

CONGRESS AT PANAMA.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

The information required by a resolution of the House of Representatives, of 5th ult.

IN RELATION TO THE

Proposed Congress to be held at Panama.

§c. §c.

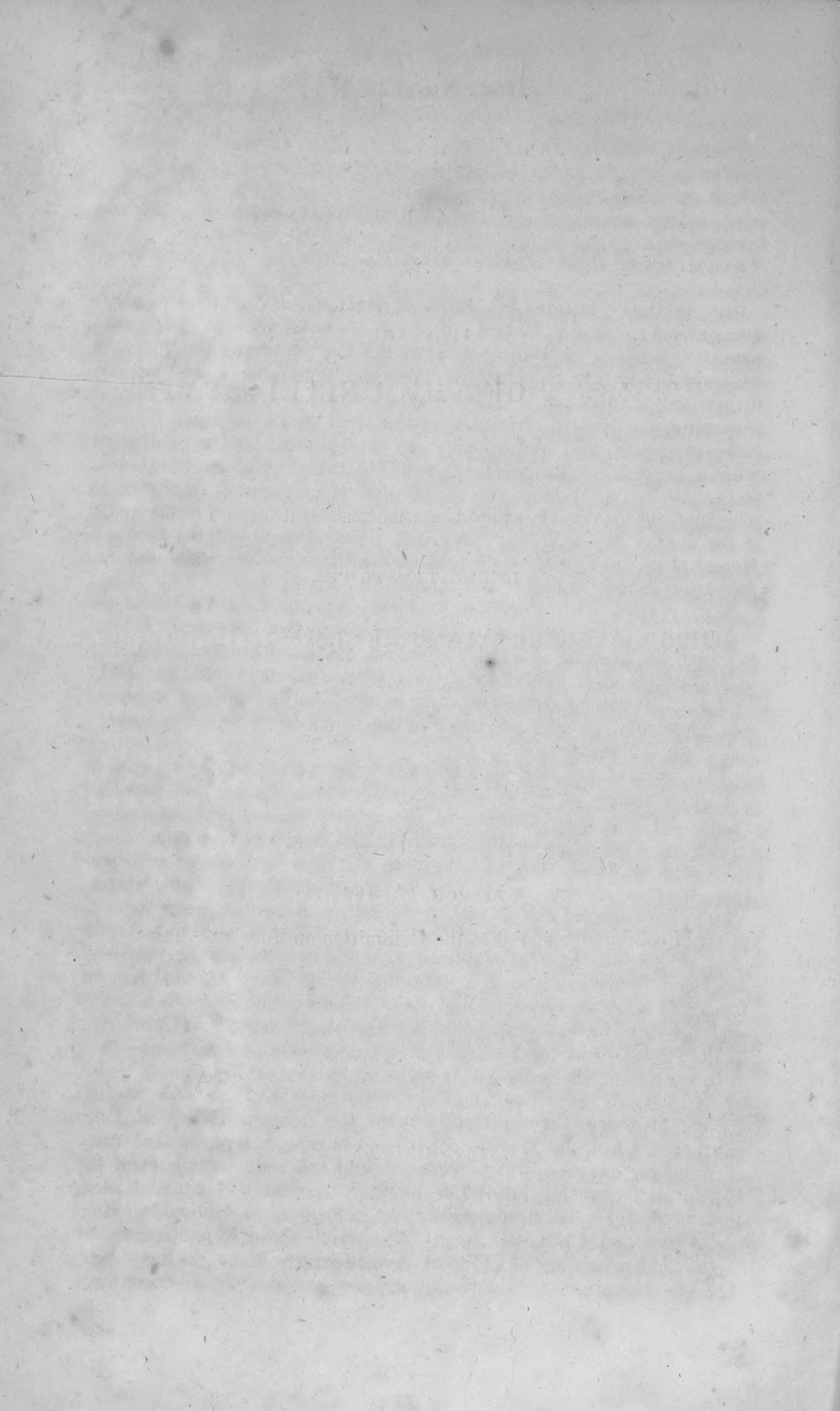
MARCH 17, 1826.

Read, and referred to the Committee on Foreign Affairs.

WASHINGTON:

PRINTED BY GALES & SEATON.

1826.



WASHINGTON, *March 15, 1826.**To the House of Representatives of the U. States:*

In compliance with the Resolution of the House of the 5th ultimo, requesting me to cause to be laid before the House so much of the correspondence between the Government of the United States and the new States of America, or their Ministers, respecting the proposed Congress, or meeting of Diplomatic Agents, at Panama, and such information respecting the general character of that expected Congress, as may be in my possession, and as may, in my opinion, be communicated without prejudice to the public interest; and, also, to inform the House, so far as, in my opinion, the public interest may allow, in regard to what objects the Agents of the United States are expected to take part in the deliberations of that Congress; I now transmit to the House a Report from the Secretary of State, with the correspondence and information requested by the resolution.

With regard to the objects in which the Agents of the United States are expected to take part in the deliberations of that Congress, I deem it proper to premise, that these objects did not form the only, nor even the principal, motive for my acceptance of the invitation. My first and greatest inducement was, to meet, in the spirit of kindness and friendship, an overture made in that spirit by three sister Republics of this hemisphere.

The great revolution in human affairs which has brought into existence, nearly at the same time, eight sovereign and independent nations in our own quarter of the globe, has placed the United States in a situation not less novel, and scarcely less interesting, than that in which they had found themselves, by their own transition, from a cluster of colonies to a nation of Sovereign States. The deliverance of the Southern American Republics from the oppression under which they had been so long afflicted, was hailed with great unanimity by the people of this Union, as among the most auspicious events of the age. On the 4th of May, 1822, an act of Congress made an appropriation of one hundred thousand dollars "for such missions to the Independent Nations on the American Continent, as the President of the United States might deem proper."

In exercising the authority recognized by this act, my predecessor, by and with the advice and consent of the Senate, appointed, successively, Ministers Plenipotentiary to the Republics of Colombia, Buenos Ayres, Chili, and Mexico. Unwilling to raise among the fraternity of freedom, questions of precedency and etiquette, which even the European monarchs had of late found it necessary in a great measure to discard, he despatched these ministers to Colombia, Buenos Ayres and Chili, without exacting from those Republics, as, by the ancient principles of political primogeniture he might have done, that the compliment of a plenipotentiary mission should have been

paid *first* by them to the United States. The instructions prepared, under his direction, to Mr. Anderson, the first of our Ministers to the Southern Continent, contain, at much length, the general principles upon which he thought it desirable that our relations, political and commercial, with these, our new neighbors, should be established, for their benefit and ours, and that of the future ages of our posterity. A copy of so much of these instructions as relates to these general subjects, is among the papers now transmitted to the House. Similar instructions were furnished to the Ministers appointed to Buenos Ayres, Chili, and Mexico; and the system of social intercourse which it was the purpose of those missions to establish from the first opening of our diplomatic relations with those rising nations, is the most effective exposition of the principles upon which the invitation to the Congress at Panama has been accepted by me, as well as of the objects of negotiation at that meeting, in which it was expected that our Plenipotentiaries should take part.

The House will perceive that, even at the date of these instructions, the first treaties between some of the Southern Republics had been concluded, by which they had stipulated among themselves this diplomatic assembly at Panama. And it will be seen with what caution, so far as it might concern the policy of the United States, and, at the same time, with what frankness and good will towards those nations, he gave countenance to their design of inviting the United States to this high Assembly for consultation upon *American interests*. It was not considered a conclusive reason for declining this invitation, that the proposal for assembling such a Congress had not first been made by ourselves. It had sprung from the urgent, immediate, and momentous common interests of the great communities struggling for independence, and, as it were, quickening into life. From them the proposition to us appeared respectful and friendly; from us to them it could scarcely have been made, without exposing ourselves to suspicions of purposes of ambition, if not of domination, more suited to rouse resistance and excite distrust, than to conciliate favor and friendship. The first and paramount principle upon which it was deemed wise and just to lay the corner-stone of all our future relations with them was *disinterestedness*; the next was cordial good will to them; the third was a claim of fair and equal reciprocity. Under these impressions, when the invitation was formally and earnestly given, had it even been doubtful, whether *any* of the objects proposed for consideration and discussion at the Congress were such as that immediate and important interests of the United States would be affected by the issue, I should, nevertheless, have determined, so far as it depended upon me, to have accepted the invitation, and to have appointed ministers to attend the meeting. The proposal itself implied that the Republics, by whom it was made, *believed* that important interests of ours or of theirs, rendered our attendance there desirable. They had given us notice, that, in the novelty of their situation, and in the spirit of deference to our experience, they would be pleased to have the benefit of our friendly counsel. To meet the temper with which this proposal was made, with a cold repulse, was not thought

congenial to that warm interest in their welfare, with which the People and Government of the Union had hitherto gone hand in hand through the whole progress of their Revolution. To insult them by a refusal of their overture, and then invite them to a similar Assembly to be called by ourselves, was an expedient which never presented itself to the mind. I would have sent Ministers to the Meeting, had it been merely to give them such advice as they might have desired, even with reference to *their own* interests, not involving ours. I would have sent them had it been merely to explain and set forth to them our reasons for *declining* any proposal of specific measures to which they might desire our concurrence, but which we might deem incompatible with our interests or our duties. In the intercourse between nations, temper is a missionary, perhaps, more powerful than talent. Nothing was ever lost by kind treatment. Nothing can be gained by sullen repulses and aspiring pretensions.

But objects of the highest importance, not only to the future welfare of the whole human race, but bearing directly upon the special interests of this Union, *will* engage the deliberations of the Congress of Panama, whether we are represented there or not. Others, if we are represented, may be offered by our Plenipotentiaries for consideration, having in view both these great results—our own interests, and the improvement of the condition of man upon earth. It may be, that in the lapse of many centuries, no other opportunity so favorable will be presented to the Government of the United States, to subserve the benevolent purposes of Divine Providence, to dispense the promised blessings of the Redeemer of mankind ; to promote the prevalence, in future ages, of peace on earth and good will to man, as will now be placed in their power by participating in the deliberations of this Congress.

Among the topics enumerated in official papers, published by the Republic of Colombia, and adverted to in the correspondence now communicated to the House, as intended to be presented for discussion at Panama, there is scarcely one in which the *result* of the meeting will not deeply affect the interests of the United States. Even those in which the belligerent States alone will take an active part, will have a powerful effect upon the state of our relations with the American, and probably with the principal European States. Were it merely that we might be correctly and speedily informed of the proceedings of the Congress, and of the progress and issue of their negotiations, I should hold it advisable that we should have an accredited agency with them, placed in such confidential relations with the other members, as would ensure the authenticity, and the safe and early transmission, of its reports. Of the same enumerated topics, are the preparation of a manifesto, setting forth to the world the justice of their cause, and the relations they desire to hold with other Christian Powers ; and to form a convention of navigation and commerce, applicable both to the confederated States and to their allies.

It will be within the recollection of the House, that immediately after the close of the war of our Independence, a measure closely analogous to this Congress of Panama, was adopted by the Congress of our Confederation, and for purposes of precisely the same character. Three

commissioners, with plenipotentiary powers, were appointed to negotiate treaties of amity, navigation, and commerce, with all the principal Powers of Europe. They met, and resided for that purpose about one year at Paris; and the only result of their negotiations at that time, was the first treaty between the United States and Prussia—memorable in the diplomatic annals of the world, and precious as a monument of the principles, in relation to commerce and maritime warfare, with which our country entered upon her career as a member of the great family of independent nations. This treaty, prepared in conformity with the instructions of the American Plenipotentiaries, consecrated three fundamental principles of the foreign intercourse which the Congress of that period were desirous of establishing. First, equal reciprocity, and the mutual stipulation of the privileges of the most favored nation in the commercial exchanges of peace; secondly, the abolition of private war upon the ocean; and, thirdly, restrictions favorable to neutral commerce upon belligerent practices, with regard to contraband of war and blockades. A painful, it may be said a calamitous experience of more than forty years, has demonstrated the deep importance of these same principles, to the peace and prosperity of this nation, and to the welfare of all maritime states, and has illustrated the profound wisdom with which they were assumed as cardinal points of the policy of the Union.

At that time, in the infancy of their political existence, under the influence of those principles of liberty and of right, so congenial to the cause in which they had just fought and triumphed, they were able but to obtain the sanction of one great and philosophical, though absolute, Sovereign, in Europe, to their liberal and enlightened principles. They could obtain no more. Since then, a political hurricane has gone over three-fourths of the civilized portions of the earth, the desolation of which, it may with confidence be expected, is passing away, leaving, at least, the American atmosphere purified and refreshed. And now, at this propitious moment, the new-born nations of this hemisphere, assembling by their representatives at the Isthmus between its two Continents, to settle the principles of their future international intercourse with other nations and with us, ask, in this great exigency, for our advice upon those very fundamental maxims, which we, from our cradle, at first proclaimed, and partially succeeded to introduce into the code of national law.

Without recurring to that total prostration of all neutral and commercial rights which marked the progress of the late European wars, and which finally involved the United States in them, and adverting only to our political relations with these American nations, it is observable, that, while in all other respects those relations have been uniformly, and, without exception, of the most friendly and mutually satisfactory character, the only causes of difference and dissension between us and them which ever have arisen, originated in those never-failing fountains of discord and irritation, discriminations of commercial favor to other nations, licentious privateers, and paper blockades. I cannot, without doing injustice to the Republics of Buenos Ayres and Colombia, forbear to acknowledge the candid and conciliatory

spirit with which they have repeatedly yielded to our friendly representations and remonstrances on these subjects; in repealing discriminative laws which operated to our disadvantage, and in revoking the commissions of their privateers: to which Colombia has added the magnanimity of making reparation for unlawful captures by some of her cruisers, and of assenting, in the midst of war, to treaty stipulations favorable to neutral navigation. But the recurrence of these occasions of complaint has rendered the renewal of the discussions which result in the removal of them, necessary; while, in the mean time, injuries are sustained by merchants and other individuals of the United States, which cannot be repaired, and the remedy lingers in overtaking the pernicious operation of the mischief. The settlement of general principles, pervading, with equal efficacy, all the American States, can alone put an end to these evils, and can alone be accomplished at the proposed assembly.

If it be true that the noblest treaty of peace ever mentioned in history is that by which the Carthaginians were bound to abolish the practice of sacrificing their own children, *because it was stipulated in favor of human nature*, I cannot exaggerate to myself the unfading glory with which these United States will go forth in the memory of future ages, if, by their friendly counsel, by their moral influence, by the power of argument and persuasion alone, they can prevail upon the American Nations at Panama, to stipulate, by general agreement among themselves, and so far as any of them may be concerned, the perpetual abolition of private war upon the ocean. And, if we cannot yet flatter ourselves that this may be accomplished, as advances towards it, the establishment of the principle that the friendly flag shall cover the cargo, the curtailment of contraband of war, and the proscription of fictitious paper blockades, engagements which we may reasonably hope will not prove impracticable, will, if successfully inculcated, redound proportionally to our honor, and drain the fountain of many a future sanguinary war.

The late President of the United States, in his message to Congress of the second December, 1823, while announcing the negotiation then pending with Russia, relating to the Northwest coast of this continent, observed, that the occasion of the discussions to which that incident had given rise, had been taken for asserting as a principle in which the rights and interests of the United States were involved, that the American continents, by the free and independent condition which they had assumed and maintained, were thenceforward not to be considered as subjects for future colonization by any European Power. The principle had first been assumed in that negotiation with Russia. It rested upon a course of reasoning equally simple and conclusive. With the exception of the existing European colonies, which it was in no wise intended to disturb, the two continents consisted of several sovereign and independent nations, whose territories covered their whole surface. By this, their independent condition, the United States enjoyed the right of commercial intercourse with every part of their possessions. To attempt the establishment of a colony in those possessions would be to usurp, to the exclusion of others, a commer-

cial intercourse which was the common possession of all. It could not be done without encroaching upon existing rights of the United States. The Government of Russia has never disputed these positions, nor manifested the slightest dissatisfaction at their having been taken. Most of the new American Republics have declared their entire assent to them; and they now propose, among the subjects of consultation at Panama, to take into consideration the means of making effectual the assertion of that principle, as well as the means of resisting interference from abroad with the domestic concerns of the American Governments.

In alluding to these means, it would obviously be premature at this time to anticipate that which is offered merely as matter for consultation; or to pronounce upon those measures which have been or may be suggested. The purpose of this Government is to concur in none which would import hostility to Europe, or justly excite resentment in any of her States. Should it be deemed advisable to contract any conventional engagement on this topic, our views would extend no further than to a mutual pledge of the parties to the compact, to maintain the principle in application to its own territory, and to permit no colonial lodgments or establishment of European jurisdiction upon its own soil; and, with respect to the obtrusive interference from abroad, if its future character may be inferred from that which has been, and perhaps still is exercised in more than one of the new States, a joint declaration of its character, and exposure of it to the world, may be probably all that the occasion would require. Whether the United States should or should not be parties to such a declaration, may justly form a part of the deliberation. That there is an evil to be remedied, needs little insight into the secret history of late years, to know, and that this remedy may best be concerted at the Panama Meeting, deserves at least the experiment of consideration. A concert of measures, having reference to the more effectual abolition of the African Slave Trade, and the consideration of the light in which the political condition of the Island of Hayti is to be regarded, are also among the subjects mentioned by the Minister from the Republic of Colombia, as believed to be suitable for deliberation at the Congress. The failure of the negotiations with that Republic, undertaken during the late administration, for the suppression of that trade, in compliance with a resolution of the House of Representatives, indicates the expediency of listening, with respectful attention, to propositions which may contribute to the accomplishment of the great end, which was the purpose of that resolution, while the result of those negotiations will serve as admonition to abstain from pledging this Government to any arrangement which might be expected to fail of obtaining the advice and consent of the Senate, by a constitutional majority to its ratification.

Whether the political condition of the Island of Hayti shall be brought at all into discussion at the meeting, may be a question for preliminary advisement. There are in the political constitution of Government of that People, circumstances which have hitherto forbidden the acknowledgment of them by the Government of the United States, as sovereign and independent. Additional reasons for with-

holding that acknowledgment, have recently been seen in their acceptance of a nominal sovereignty, by the *grant* of a foreign Prince; under conditions equivalent to the concession by them, of exclusive commercial advantages to one nation, adapted altogether to the state of colonial vassalage, and retaining little of independence but the name. Our Plenipotentiaries will be instructed to present these views to the Assembly at Panama: and should they not be concurred in, to decline acceding to any arrangement which may be proposed upon different principles.

The condition of the islands of Cuba and Porto Rico, is of deeper import, and more immediate bearing upon the present interests, and future prospects of our Union. The correspondence herewith transmitted, will show how earnestly it has engaged the attention of this Government. The invasion of both those islands by the united forces of Mexico and Colombia, is avowedly among the objects to be matured by the belligerent States at Panama. The convulsions to which, from the peculiar composition of their population, they would be liable, in the event of such an invasion, and the danger therefrom resulting of their falling ultimately into the hands of some European power, other than Spain, will not admit of our looking at the consequences to which the Congress at Panama may lead, with indifference. It is unnecessary to enlarge upon this topic: or to say more, than that all our efforts in reference to this interest, will be to preserve the existing state of things, the tranquillity of the islands, and the peace and security of their inhabitants.

And lastly, the Congress of Panama is believed to present a fair occasion for urging upon all the new nations of the South, the just and liberal principles of religious liberty. Not by any interference whatever, in their internal concerns, but by claiming for our citizens, whose occupations or interests may call them to occasional residence in their territories, the inestimable privilege of worshipping their Creator according to the dictates of their own consciences. This privilege, sanctioned by the customary law of nations, and secured by treaty stipulations in numerous national compacts; secured even to our own citizens in the treaties with Colombia, and with the Federation of Central America, is yet to be obtained in the other South American States and Mexico. Existing prejudices are still struggling against it, which may perhaps be more successfully combatted at this general meeting, than at the separate seats of Government of each Republic.

I can scarcely deem it otherwise than superfluous, to observe that the assembly will be in its nature diplomatic and not legislative. That nothing can be transacted there, obligatory upon any one of the States to be represented at the meeting, unless with the express concurrence of its own representatives; nor even then, but subject to the ratification of its constitutional authority at home. The faith of the United States to Foreign Powers cannot otherwise be pledged. I shall, indeed, in the first instance, consider the assembly as merely *consultative*; and although the Plenipotentiaries of the United States will be empowered to receive and refer to the consideration of their Government, any pro-

position from the other parties to the meeting, they will be authorized to conclude nothing unless subject to the definitive sanction of this Government, in all its constitutional forms. It has therefore seemed to me unnecessary to insist, that every object to be discussed at the meeting should be specified with the precision of a judicial sentence or enumerated with the exactness of a mathematical demonstration. The purpose of the meeting itself, is to deliberate upon the great and common *interests* of several new and neighboring nations. If the measure is new and without precedent, so is the situation of the parties to it.— That the purposes of the meeting are somewhat indefinite, far from being an objection to it, is among the cogent reasons for its adoption. It is not the establishment of principles of intercourse with one, but with seven or eight nations at once. That, before they have had the means of exchanging ideas and communicating with one another in common, upon these topics, they should have definitively settled and arranged them in concert, is to require that the effect should precede the cause. It is to exact as a preliminary to the meeting, that for the accomplishment of which, the meeting itself is designed.

Among the inquiries which were thought entitled to consideration, before the determination was taken to accept the invitation, was that, whether the measure might not have a tendency to change the policy, hitherto invariably pursued by the United States, of avoiding all entangling alliances, and all unnecessary foreign connections.

Mindful of the advice given by the Father of our Country, in his farewell address, that the great rule of conduct for us in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connexion as possible; and faithfully adhering to the spirit of that admonition, I cannot overlook the reflection, that the counsel of Washington, in that instance, like all the counsels of wisdom, was founded upon the circumstances in which our country and the world around us, were situated, at the time when it was given.— That the reasons assigned by him for his advice, were, that Europe had a set of primary interests, which to us had none, or a very remote relation. That hence she must be engaged in frequent controversies, the causes of which were essentially foreign to our concerns. That our *detached* and *distant* situation, invited and enabled us to pursue a different course. That by our union and rapid growth, with an efficient Government, the period was not far distant, when we might defy material injury from external annoyance; when we might take such an attitude as would cause our neutrality to be respected; and, with reference to belligerent nations, might choose peace or war, as our interests, guided by justice, should counsel.

Compare our situation and the circumstances of that time, with those of the present day, and what from the very words of Washington, then, would be his counsels to his countrymen now? Europe has still her set of primary interests with which we have little or a remote relation. Our distant and detached situation, with reference to Europe, remains the same. But we were then the only Independent nation of this Hemisphere; and we were surrounded by European Colo-

nies, with the greater part of which we had no more intercourse than with the inhabitants of another planet. Those Colonies have now been transformed into eight Independent nations, extending to our very borders. Seven of them Republics like ourselves ; with whom we have an immensely growing commercial, and *must* have, and have already important political connexions. With reference to whom, our situation is neither distant nor detached. Whose political principles and systems of Government, congenial with our own, must and will have an action and counteraction upon us and ours, to which we cannot be indifferent if we would.

The rapidity of our growth, and the consequent increase of our strength, has more than realized the anticipations of this admirable political legacy. Thirty years have nearly elapsed since it was written; and in the interval, our population, our wealth, our territorial extension, our power, physical and moral, has nearly trebled. Reasoning upon this state of things from the sound and judicious principles of Washington, and must we not say, that the period which he predicted as then not far off, has arrived? That *America* has a set of primary interests, which have none, or a remote relation to Europe. That the interference of Europe, therefore, in those concerns, should be spontaneously withheld by her upon the same principles, that we have never interfered with hers; and that if she should interfere, as she may, by measures which may have a great and dangerous recoil upon ourselves, we might be called, in defence of our own altars and firesides, to take an attitude which would cause our neutrality to be respected, and choose peace or war, as our interest, guided by justice, should counsel.

The acceptance of this invitation, therefore, far from conflicting with the counsel or the policy of Washington, is directly deducible from, and conformable to it. Nor is it less conformable to the views of my immediate predecessor, as declared in his annual message to Congress, of the 2d December, 1823, to which I have already adverted, and to an important passage of which I invite the attention of the House. "The citizens of the United States," said he, "cherish sentiments the most friendly in favor of the liberty and happiness of their fellow men on that (the European) side of the Atlantic. In the wars of the European Powers, in matters relating to themselves, we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded, or seriously menaced, that we resent injuries, or make preparation for our defence. With the movements in this hemisphere, we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the Allied Powers, is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective Governments. And to the defence of our own, which has been achieved by the loss of so much blood and treasure, and nurtured by the wisdom of their most enlightened citizens; and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor, and to the amicable relations subsisting

“between the United States and those Powers, to declare, that we
 “should consider any attempt on their part, to extend their system to
 “any portion of this hemisphere, as dangerous to our peace and safe-
 “ty. With the existing colonies or dependencies of any European
 “Power, we have not interfered, and shall not interfere. But with
 “the Governments who have declared their Independence, and main-
 “tained it, and whose independence we have, on great consideration,
 “and on just principles acknowledged, we could not view any inter-
 “position, for the purposes of oppressing them, or controlling in any
 “other manner their destiny, by any European Power, in any other
 “light than as the manifestation of an unfriendly disposition towards
 “the United States. In the war between those new Governments
 “and Spain, we declared our neutrality at the time of their recogni-
 “tion, and to this we have adhered, and shall continue to adhere,
 “provided no change shall occur, which, in the judgment of the com-
 “petent authorities of this Government, shall make a corresponding
 “change on the part of the United States indispensable to their se-
 “curity.”

To the question which may be asked, whether this meeting, and the principles which may be adjusted and settled by it, as rules of intercourse between the American nations, may not give umbrage to the Holy League of European Powers, or offence to Spain, it is deemed a sufficient answer, that our attendance at Panama can give no *just* cause of umbrage or offence to either; and that the United States will stipulate nothing there which can give such cause. Here the right of inquiry into our purposes and measures must stop. The Holy League of Europe itself was formed, without inquiring of the United States, whether it would, or would not, give umbrage to them. The fear of giving umbrage to the Holy League of Europe, was urged as a motive for denying to the American nations the acknowledgment of their Independence. That it would be viewed by Spain as hostility to her, was not only urged, but directly declared by herself. The Congress and administration of that day, consulted their rights and duties, and not their fears. Fully determined to give no needless displeasure to any Foreign Power, the United States can estimate the probability of their giving it, only by the right which any foreign State could have, to take it from their measures. Neither the representation of the United States at Panama, nor any measure to which their assent may be yielded there, will give to the Holy League, or any of its members, nor to Spain, the right to take offence. For the rest, the United States must still, as heretofore, take counsel from their duties, rather than their fears.

Such are the objects in which it is expected that the Plenipotentiaries of the United States, when commissioned to attend the meeting at the Isthmus, will take part; and such are the motives and purposes, with which the invitation of the three Republics was accepted. It was, however, as the House will perceive from the correspondence, accepted only upon condition, that the nomination of Commissioners for the mission should receive the advice and consent of the Senate.

The concurrence of the House to the measure, by the appropriations necessary for carrying it into effect, is alike subject to its free determination, and indispensable to the fulfilment of the intention.

That the Congress at Panama will accomplish all, or even any of the transcendent benefits to the human race, which warmed the conceptions of its first proposer, it were, perhaps, indulging too sanguine a forecast of events to promise. It is, in its nature, a measure speculative and experimental. The blessing of Heaven may turn it to the account of human improvement. Accidents unforeseen, and mischances not to be anticipated, may baffle all its high purposes, and disappoint its fairest expectations. But the design is great, is benevolent, is humane.

It looks to the melioration of the condition of man. It is congenial with that spirit which prompted the Declaration of our Independence; which inspired the preamble of our first treaty with France; which dictated our first treaty with Prussia, and the instructions under which it was negotiated: which filled the hearts and fired the souls of the immortal founders of our Revolution.

With this unrestricted exposition of the motives by which I have been governed, in this transaction, as well as of the objects to be discussed, and of the ends, if possible, to be attained by our representation at the proposed Congress, I submit the propriety of an appropriation, to the candid consideration, and enlightened patriotism, of the Legislature.

JOHN QUINCY ADAMS.

The Secretary of State, to whom the President has referred that part of the resolution of the House of Representatives, of the 3d inst. which requests that he would cause to be laid before that House "so much of the correspondence between the Government of the United States, and the new States of America, or their Ministers, respecting the proposed Congress, or meeting of Diplomatic Agents at Panama, and of such information respecting the general character of that expected Congress, as may be in his possession," has the honor now to report:

That, during the last Spring, he held, at the Department of State, separate conferences, on the same day, with the respective Ministers of Colombia and Mexico, in the course of which, each of them verbally stated, that his Government was desirous that the United States should be represented at the proposed Congress, and that he was instructed to communicate an invitation to their Government to send representatives to it; but that, as his Government did not know whether it would be agreeable or not to the United States to receive such an invitation, and as it was not wished to occasion any embarrassment to them, he was charged informally to inquire, previous to the delivery of the invitation, whether it would be accepted, if given by both of the Republics of Mexico and Colombia. It was also stated, by each of those Ministers, that his Government did not expect that the United States would change their present neutral policy, nor was it desired that they

should take part in such of the deliberations of the proposed Congress as might relate to the prosecution of the existing war with Spain.

Having laid before the President what transpired at these conferences, his direction was received about a week after they had been held, to inform the Ministers of Mexico and Colombia, and they were accordingly informed, that their communication was received with due sensibility to the friendly consideration of the United States by which it had been dictated; that, of course, they could not make themselves a party to the war between the new States and Spain, nor to councils for deliberating on the means of its further prosecution; that the President believed that such a Congress as was contemplated, might be highly useful in settling several important disputed questions of public law, in arranging other matters of deep interest to the American Continent, and in strengthening the friendship and amicable intercourse between the American Powers; that before such a Congress, however, assembled, it appeared to the President to be expedient to adjust, between the different Powers to be represented, several preliminary points, such as the subjects to which the attention of the Congress was to be directed, the nature and the form of the powers to be given to the Diplomatic Agents who were to compose it, and the mode of its organization and its action. If these preliminary points could be arranged in a manner satisfactory to the United States, the Ministers from Colombia and Mexico were informed that the President thought that the United States ought to be represented at Panama. Each of those Ministers undertook to transmit to his Government the answer which was thus given to both.

In this posture the overture remained until the letters were received, which accompany this report, from the Ministers of the Republics of Mexico and Colombia, under date of the 2d and 3d November, 1825. A similar answer was returned to each of those letters, in official notes; a copy of one of which is with this report.

The first and only communication from the Minister of the Republic of Central America to this Department, in regard to the Congress at Panama, is contained in his official note, a copy of which, together with a copy of the answer which was returned, will be found along with this report.

Copies of conventions, containing stipulations respecting the intended Congress, are herewith reported, between

The Republic of Colombia and that of Chili;

The Republic of Colombia and Peru;

The Republic of Colombia and the Federation of the Centre of America; and

The Republic of Colombia and the United Mexican States.

The Secretary of State has also the honor to report to the President, extracts from the instructions which were given by the Department of State to Mr. Anderson, on the 27th day of May, 1823, and copies of certain parts of the correspondence which, since the last session of Congress, has taken place between the Executive of the United States and the Governments of Russia, France, Spain and Mexico, of

which a descriptive list accompanies this report. In respect to the negotiation which Mr. Middleton was authorized, by the despatch of the 10th of May last, (one of the papers now reported) to institute at St. Petersburg, considering the lapse of time, and the great and lamented event which has lately occurred in Europe, perhaps there is no adequate reason for refraining from a communication of it to the House, which is recommended by its intimate connection with the interests of the new Republics. About the same period with the date of that despatch, instructions were given to Mr. Everett, to inculcate on Spain the necessity of peace, and to our Ministers in France and England, to invite the Cabinets of Paris and London to co-operate in the same work. The hope, not yet abandoned, was indulged, that, by an united exertion of all the great Powers, and especially of Russia, Spain might be brought to see her true interests in terminating the existing war. Other negotiations, growing out of, and subordinate to that which was authorized in the before mentioned despatch of the 10th of May, to Mr. Middleton, have been more recently commenced. They have for their object the prevention of disorder in the Spanish Islands of Cuba and Porto Rico, and also to guard the United States against the danger of bad examples and excesses, of which, in the course of events, those Islands might become the theatre, as well as the conservation of our commercial and navigating interests.

All which is respectfully submitted.

H. CLAY.

Department of State, 14th March, 1826.

LIST OF PAPERS.

1. Mr. Adams, Secretary of State to Mr. Anderson, 27th of May, 1823. Extracts.
2. Mr. Salazar to Mr. Clay, 2d November, 1825. Translation.
3. Mr. Obregon to same, 3d do. do. do.
4. Mr. Canaz to same, 14th do. do. do.
5. Mr. Clay to Mr. Salazar and Mr. Obregon, 30th of November, 1825. Copy.
6. Mr. Clay to Mr. Canaz, 30th November, 1825. Copy.
7. Same to Mr. Salazar and to Mr. Obregon, 20th of December, 1825. Copy.
8. Mr. Salazar to Mr. Clay, 30th of December, 1825. Translation.
9. Mr. Obregon to same, 4th Jan. 1826. do.
10. Treaty between Colombia and Chili, do.
11. Colombia and Peru, do.
12. Colombia and Guatemala, do.
13. Colombia and Mexico, do.
14. Mr. Clay to Mr. Middleton, 10th of May, 1825. Copy.

15. Mr. Middleton to Mr. Clay, No. 49, 27th August, and 8th September, 1825. Copy.

(a.) Count Nesselrode to Mr. Middleton, 20th Aug. 1825. Translation.

16. Mr. Poinsett to Mr. Clay, No. 18, 13th Sept. do. Extract.

17. Same to Same, No. 22, 28th do. do. do.

18. Mr. Clay to Mr. Poinsett, 9th Nov. do. Copy.

19. Same to Mr. Brown, 25th Oct. do. do.

20. Mr. Everett to Mr. Clay, No. 15, 21st Nov. do. Extract.

21. Same to same, No. 17, 12th Dec. do. do.

22. Same to same, No. 18, 1st Jan. 1826. Copy.

23. Mr. Brown to same, No. 42, 10th do. do. do.

(a.) Same to the Baron De Damas, 2d do. do. do.

1.

Extracts of a letter from Mr. Adams, Secretary of State, to Mr. Anderson, Minister Plenipotentiary to Colombia, dated 27th May, 1823.

“The revolution which has severed the colonies of Spanish America from European thralldom, and left them to form self-dependent governments as members of the society of civilized nations, is among the most important events in modern history. As a general movement in human affairs, it is perhaps no more than a development of principles first brought into action by the separation of these States from Great Britain, and by the practical illustration given in the formation and establishment of our Union, to the doctrine that voluntary agreement is the only legitimate source of authority among men; and that all just government is a compact. It was impossible that such a system as Spain had established over her colonies, should stand before the progressive improvement of the understanding in this age, or that the light shed upon the whole earth by the results of our Revolution should leave in utter darkness the regions immediately adjoining upon ourselves. The independence of the Spanish colonies, however, has proceeded from other causes, and has been achieved upon principles in many respects different from ours. In our Revolution the principle of the social compact was from the beginning, in immediate issue. It originated in a question of *right*, between the government in Europe, and the subject in America. Our *Independence* was declared in defence of our *liberties*, and the attempt to make the yoke a yoke of oppression was the cause and the justification for casting it off.

The revolution of the Spanish colonies was not caused by the oppression under which they had been held, however great it had been. Their independence was first forced upon them by the temporary subjugation of Spain herself to a foreign power. They were by that event, cast upon themselves, and compelled to establish governments of their

own. Spain, through all the vicissitudes of her own revolutions, has clung to the desperate hope, of retaining, or of reclaiming them to her own control; and has waged, to the extent of her power, a disastrous war to that intent. In the mind of every rational man, it has been for years apparent that Spain can never succeed to recover her dominion where it has been abjured, nor is it probable that she can long retain the small remnant of her authority yet acknowledged in some spots of the South American continent.

The political course of the United States, from the first dawning of South American Independence, has been such as was prescribed by their relative duties to all the parties. Being on terms of peace and amity with Spain through all the changes of her own government; they have considered the struggles of the colonies for independence as a case of civil war, to which their national obligations prescribed to them to remain neutral. Their policy, their interest, and their feelings, all concurred to favor the cause of the colonies; and the principles upon which the right of independence has been maintained by the South American Patriots, have been approved, not only as identical with those upon which our own independence was asserted and achieved, but as involving the whole theory of government on the emphatically American foundation of the sovereignty of the people, and the unalienable rights of man. To a cause reposing upon this basis, the people of this country never could be indifferent, and their sympathies have accordingly been, with great unanimity and constancy, enlisted in its favor. The sentiments of the Government of the United States, have been in perfect harmony with those of their people, and while forbearing, as their duties of neutrality prescribed, from every measure which could justly be construed as hostile to Spain, they have exercised all the moral influence which they possessed to countenance and promote the cause of independence. So long as a contest of arms, with a rational or even remote prospect of eventual success was maintained by Spain, the United States could not recognize the independence of the colonies, as existing *de facto*, without trespassing on their duties to Spain, by assuming as decided that which was precisely the question of the war. In the history of South American independence, there are two periods clearly distinguishable from each other. The first, that of its origin, when it was rather a war of independence against France than against Spain, and the second, from the restoration of Ferdinand the Seventh in 1814. Since that period, the territories now constituting the Republic of Colombia have been the only theatre upon which Spain has been able to maintain the conflict offensively, with even a probable color of ultimate success. But when in 1815, she made her greatest effort in the expedition from Cadiz, commanded by Morillo, Mexico, Peru, and Chili, were yet under her authority, and had she succeeded in reducing the coast of Terra Firma and New Grenada, the provinces of La Plata, divided among themselves, and weakened by the Portuguese occupation of Monte Video, would probably not have held out against her long. This at least was the calculation of her

policy, and from the geographical position of these countries, which may be termed the heart of South America, the conclusion might well be drawn that if the power of Spain could not be firmly re-seated there, it must be on her part a fruitless struggle to maintain her supremacy in any part of the American continent. The expedition of Morillo, on its first arrival, was attended with signal success—Cartagena was taken. The whole coast of Terra Firma was occupied, and New Grenada was entirely subdued. A remnant of Patriots in Venezuela, with their leader Bolivar, returning from expulsion, revived the cause of independence, and after the campaign of 1819 in which they reconquered the whole of New Grenada, the demonstration became complete, that every effort of Spain to recover the South American Continent must thenceforward be a desperate waste of her own resources, and that the truest friendship of other nations to her would consist in making her sensible that her own interest would be best consulted, by the acknowledgment of that independence which she could no longer effectually dispute.

To this conclusion the Government of the United States had at an earlier period arrived. But from that emergency, the President has considered the question of recognition both in a moral and political view, as merely a question of the proper *time*. While Spain could entertain a reasonable hope of maintaining the war, and of recovering her authority, the acknowledgment of the Colonies as Independent States, would have been a wrong to her; but she had no right upon the strength of this principle to maintain the pretension, after she was manifestly disabled from maintaining the contest, and by unreasonably withholding her acknowledgment, to deprive the Independents of their right to demand the acknowledgment of others. To fix upon the precise *time*.—when the duty to respect the prior sovereign right of Spain should cease, and that of yielding to the claim of acknowledgment would commence, was a subject of great delicacy, and to the President, of constant and anxious solicitude. It naturally became in the first instance a proper subject of consultation, with other Powers, having relations of interests to themselves, with the newly opened Countries, as well as influence in the general affairs of Europe. In August, 1818, a formal proposal was made to the British Government, for a concerted and cotemporary recognition of the independence of Buenos Ayres, then the only one of the South America States which, having declared Independence, had no *Spanish* force contending against it, within its borders; and where it therefore most unequivocally existed *in fact*. The British Government declined accepting the proposal themselves, without however expressing any disapprobation of it; without discussing it as a question of principle, and without assigning any reason for the refusal, other than that it did not then suit with their policy. It became a subject of consideration at the deliberations of the Congress of Aix La Chapelle, in October, 1818. There is reason to believe that it disconcerted projects which were there entertained of engaging the European Alliance in actual operations against the South Americans, as it is well known that a plan for

their joint mediation, between Spain and her Colonies, for restoring them to her authority, was actually matured and finally failed at that place, only by the refusal of Great Britain to accede to the condition of employing force eventually against the South Americans, for its accomplishment. Some dissatisfaction was manifested by several members of the Congress at Aix La Chapelle, at this avowal on the part of the United States, of their readiness to recognise the independence of Buenos Ayres.

The reconquest in the campaign of 1819, of New Grenada to the Patriot cause, was immediately followed by the formation of the Republic of Colombia, consisting of three great divisions of the preceding Spanish Government, Venezuela, Cundinamarca and Quito. It was soon succeeded by the dissolution of the Spanish authority in Mexico; by the Revolution in Spain itself; and by the military operations which resulted in the Declaration of Independence in Peru. In November, 1820, was concluded the armistice between the Generals Morillo and Bolivar, together with a subsequent Treaty, stipulating that in case of the renewal of the war, the parties would abstain from all hostilities and practices not consistent with the modern Law of Nations, and the humane maxims of civilization. In February, 1821, the partial Independence of Mexico was proclaimed at Yguala; and in August of the same year, was recognized by the Spanish Vice-Roy and Captain General O'Donoju at Cordova.

The formation of the Republic of Colombia, by the fundamental law of 17th December, 1819, was notified to this Government, by its Agent, the late Don Manuel Torres, on the 20th of February, 1821, with a request that it might be recognized by the Government of the United States, and a proposal for the negotiation of Treaties of Commerce and Navigation, *founded upon the bases of reciprocal utility and perfect equality*, as the most efficacious means of strengthening and increasing the relations of amity between the two Republics.

The request and proposal were renewed in a letter from Mr. Torres, of the 30th of November, 1821, and again repeated on the 2d of January, 1822. In the interval, since the first demand, the General Congress of the new Republic had assembled, and formed a Constitution, founded upon the principles of popular representation, and divided into Legislative, Executive, and Judicial authorities. The Government under this Constitution had been organized, and was in full operation; while, during the same period, the principal remnant of the Spanish force had been destroyed by the battle of Carabobo, and its last fragments were confined to the two places of Porto Cabello and Panama.

Under these circumstances, a resolution of the House of Representatives of the United States, on the 30th of January, 1822, requested of the President to lay before the House the communications from the Agents of the United States, with the Governments South of the United States, which had declared their Independence; and those from the Agents of such Governments here, with the Secretary of State, tending to shew the political condition of their Governments, and the

state of the war between them and Spain. In transmitting to the House the papers called for by this resolution, the President, by his message of 8th March, 1822, declared his own persuasion that the time had arrived when, in strict conformity to the law of nations and in the fulfilment of the duties of equal and impartial justice to all parties, the acknowledgment of the Independence declared by the Spanish American Colonies could no longer be withheld. Both Houses of Congress having almost unanimously concurred with these views of the President, an appropriation was made by law, (4th May, 1822,) for such missions to the Independent Nations on the American Continent, as the President should deem proper.

On the day after the President's message of the 8th of March, the Spanish Minister, Anduaga, addressed to this Department a remonstrance against the measure which it recommended, and a solemn protest against the recognition of the Governments mentioned, of the insurgent Spanish Provinces of America. He was answered on the 6th of April, by a letter recapitulating the circumstances under which the Government of the United States had "yielded to an obligation of duty of the highest order, by recognizing, as Independent States, Nations which, after deliberately asserting their right to that character, had maintained and established it against all the resistance which had been, or could be, brought to oppose it." On the 24th of April, he gave information that the Spanish Government had disavowed the Treaty of 24th August, 1821, between the Captain General O'Donoju and Colonel Iturbide, and had denied the authority of the former to conclude it.

On the 12th of February, 1822, the Spanish Extraordinary Cortes adopted the Report of a Committee proposing the appointment of Commissioners to proceed to South America to negotiate with the Revolutionary Patriots concerning the relations to be established thereafter, in regard to their connexion with Spain. They declared, at the same time, all Treaties made with them before that time, by Spanish Commanders, implying any acknowledgment of their Independence, null and void, as not having been authorized by the Cortes; and on the next day, they passed three resolutions, the first annulling, expressly, the Treaty between O'Donoju and Iturbide.

The second, "That the Spanish Government, by a declaration to all others with which it has friendly relations, make known to them, that the Spanish Nation will regard, *at any epoch*, as a violation of the treaties, the recognition, either partial or absolute, of the Independence of the Spanish Provinces of Ultra-Mer, so long as the dissensions which exist between some of them, and the Metropolis, *are not terminated*, with whatever else may serve to convince foreign Governments, that Spain has not yet renounced any of the rights belonging to it in those countries."

The third resolution recommended to the Government to take all necessary measures, and to apply to the Cortes for the needed resources, to preserve and recover the authority of Spain in the ultra-marine provinces.

These measures of the Cortes were not known to the President of the United States when he sent to Congress his message of the 8th of March. But information of them was received while the bill making an appropriation for the Missions was before Congress; and, on the 25th of April, a resolution of the Senate requested of the President any information he might have, proper to be disclosed, from our Minister at Madrid, or from the Spanish Minister resident in this country, concerning the views of Spain relative to the recognition of the independence of the South American Colonies, and of the dictamen of the Spanish Cortes. In answer to this resolution, the letter from Mr. Anduaga, protesting against the recognition, and one from Mr. Forsyth, enclosing a translation of the dictamen, were transmitted to the Senate, which, with all these documents before them, gave their concurrent sanction, with that of the House of Representatives, to the passage of the bill of appropriation.

This review of the proceedings of the Government of the United States in relation to the independence of Spanish America, has been taken to shew the consistency of the principles by which they were uniformly dictated, and that they have been always eminently friendly to the new Republics, and disinterested. While Spain maintained a doubtful contest, with arms, to recover her dominion, it was regarded as a civil war. When that contest became so manifestly desperate, that Spanish Vice Roys, Governors, and Captain Generals themselves, concluded treaties with the insurgents, virtually acknowledging their independence, the United States frankly and unreservedly recognized the fact, without making their acknowledgment the price of any favor to themselves, and although at the hazard of incurring the displeasure of Spain. In this measure they have taken the lead of the whole civilized world: for, although the Portuguese Brazilian Government had, a few months before, recognized the Revolutionary Government of Buenos Ayres, it was at a moment when a projected declaration of their own independence made the question substantially their own cause, and it was presented as an equivalent for a reciprocal recognition of their own much more questionable right to the Eastern Shore of La Plata.

On the 17th day of June, 1822, Mr. Manuel Torres was received by the President of the United States as the Charge d'Affaires from the Republic of Colombia, and the immediate consequence of our recognition was the admission of the vessels of the South American nations, under their own colors, into the ports of the principal maritime nations of Europe.

The European alliance of Emperors and Kings have assumed, as the foundation of human society, the doctrine of unalienable *allegiance*. Our doctrine is founded upon the principle of unalienable *right*. The European allies, therefore, have viewed the *cause* of the South Americans as rebellion against their lawful sovereign. We have considered it as the assertion of natural right. They have invariably shewn their disapprobation of the revolution, and their wishes for the restoration of the Spanish power. We have as constantly favored the standard of

independence and of America. In contrasting the principles and the motives of the European Powers, as manifested in their policy towards South America, with those of the United States, it has not been my intention to boast of our superior purity, or to lay a claim of merit to any extraordinary favor from South America in return. Disinterestedness must be its own reward; but, in the establishment of our future political and commercial intercourse with the new Republics, it will be necessary to recur often to the principles in which it originated: they will serve to mark the boundaries of the rights which we may justly claim in our future relations with them, and to counteract the efforts which it cannot be doubted, European negotiators will continue to make in the furtherance of their monarchical and monopolizing contemplations.

Upon a territory by one-half more extensive than the whole inhabited part of the United States, with a population of less than four millions of souls, the Republic of Colombia has undertaken to establish a single, and not a confederated Government.

Whether this attempt will be found practicable in execution, may be susceptible of doubt; but in the new organization of society, upon this hemisphere, even unsuccessful experiments lead to results by which the science of Government is advanced, and the happiness of man is promoted. The Republic of Colombia has a constitution deliberately formed and adopted upon principles entirely Republican, with an elective Legislature in two branches, a distribution of the powers of Government, with the exception of the federative character, almost identical with our own, and articles declaratory of the natural rights of the citizen to personal security, property, and reputation, and of the inviolable liberty of the press. With such a constitution, in such a country, the modifications which experience may prove to be necessary for rendering the political institutions most effectually competent to the ends of civil Government, will make their own way by peaceable and gradual conquests of public opinion. If a single Government should be found inadequate to secure and protect the rights of the people living under it, a federation of Republics may, without difficulty, be substituted in its place. Practical effect having once been given to the principle, that lawful Government is a compact, and not a grant, the pretences for resorting to force for effecting political revolutions disappear. The subordination of the military to the civil power is the only principle yet remaining to be established in Colombia, to ensure the liberties of the future generations as well as those of the present age; and that subordination, although not directly guaranteed by their present constitution, is altogether conformable to its spirit.

In the letter of 20th February, 1821, from the late Mr. Torres, demanding the recognition of the Republic of Colombia, it has been observed, that the additional proposal was made, of negotiating "*treaties of navigation and commerce*, founded upon the bases of reciprocal utility and perfect equality, as the most efficacious means of strengthening and increasing the relations of amity between the two Republics."

In compliance with this proposal, among the documents furnished you, for proceeding upon the mission to which you have been appointed, of Minister Plenipotentiary to the Republic of Colombia, is a full power which will authorize you to negotiate with any Plenipotentiary or Plenipotentiaries of that Government duly provided with like powers, such a treaty. The President wishes, however, that every step in such negotiation should be taken with full deliberation. The treaty, if concluded, must, as you are aware, be reserved subject to ratification here, with the advice and consent of the Senate, by the constitutional majority of two-thirds, as by the constitution of Colombia, (article 120,) their treaties, to be valid, must receive the consent and approbation of their Congress.

Our commercial relations with the Colombian Territory, are of so recent origin, and have depended so much upon the revolutionary condition of that country, under which they have arisen, that our knowledge of their state and character is very imperfect, although we are certain that they are altogether different from those which may be expected to arise from permanent interests, when the Independence of the Republic shall be universally recognized, and a free trade shall be opened to its inhabitants, with all parts of the world. The only important point now to be settled, as the radical principle of all our future commercial intercourse, is the basis proposed by Mr. Torres, of *reciprocal utility and perfect equality*. As the necessary consequence of which, you will claim that, without waiting for the conclusion of a treaty, the commerce and navigation of the United States, in the ports of the Colombian Republic, should be received on the footing of equality with the most favored nation. It is hoped, indeed, that on your arrival at the place of your destination, you will find the principle already settled; assurances to that effect having been given by the Minister of Foreign Relations, to Mr. Todd.

By an act of the Congress of Colombia, of the 25th of September, 1821, an impost duty of $7\frac{1}{2}$ per cent. was laid, upon all articles imported from any part of America, *additional*, to the duty upon the like articles imported from Europe. This discrimination was mentioned to Mr. Torres, at the time of his reception. He thought it had arisen only from an inadvertency, and promised to write concerning it to his Government. Mr. Todd was instructed to remonstrate against it, which he accordingly did. From his correspondence and conferences relating to it, with the Colombian Minister of Foreign Relations, Dr. Gual, it appears that the object of the law was, to burden with heavier duties the indirect trade from Great Britain and France, carried on through the medium of the West India Islands, and thereby to present to those Powers an inducement to acknowledge the independence of the Republic. However just or reasonable this expedient might be, with reference to the relations between the Colombian people and European nations, it was manifestly injurious to the United States, nor was its injustice in any manner compensated, by the provisions of another law of the Congress of 27th September, 1821, allowing a drawback of duties upon re-exportations *in their own vessels*,

of provisions imported from the United States. It is alleged by Dr. Gual, that the object of this latter law was to favor the United States, by facilitating the indirect trade between them and the British Colonies in the West Indies, the direct trade being then interdicted by the laws of the United States and of Great Britain. But this trade was carried on more advantageously to the United States, by the way of the Swedish, Danish, and Dutch Islands, than it could be by that of the Colombian ports, and the object of favoring their own shipping appears more obviously as the motive of the law, than that of favoring the commerce of the United States. The opening of the direct trade between the United States and the British Islands, has, at all events, rendered all the provisions of the Colombian law of 27th September, 1821, inoperative; and assurances have been given by Dr. Gual, that, at the meeting of the Congress which was to take place in March last, measures would be taken for procuring the immediate repeal of the discrimination, to the disadvantage of the United States, prescribed by the law of the 25th September.

The spirit of the Colombian Constitution, is explicitly that of entire and unqualified independence; and the sentiments expressed by Dr. Gual to Mr. Todd, have been altogether conformable to it. He has declared, that the intention of the Government is to treat all *foreign* nations upon the footing of equal favor and of perfect reciprocity. This is all that the United States will require, and this, so far as their interests are concerned, they have a right to exact.

It had been, in the first instance, proposed by Mr. Torres, that the Treaty of Commerce and Navigation should be negotiated *here*, and he informed me that a Minister would be appointed, with powers and instructions sufficient for concluding it at this place. Dr. Gual has informed Mr. Todd, that the views of the Colombian Government have since undergone a change; and although they have appointed Mr. Salazar as Envoy Extraordinary and Minister Plenipotentiary to the United States, and in March last he was under instructions to proceed forthwith upon his mission to this country, they were nevertheless, exceedingly desirous that the *Treaty* should be negotiated there.

The President deems it of no material importance to the United States whether the Treaty shall be negotiated at Washington or at Bogota: but the proposal having first been made for concluding it here, it was natural to inquire what it was that produced the change in the wishes of the Colombian Government with regard to the seat of the negotiation. Dr. Gual intimated confidentially to Mr. Todd, that it had proceeded from two causes; one, the desire to establish a *precedent*, which might prevail upon the great *European* Governments to negotiate likewise with the Republic at its own Capital, and thereby hasten them to the recognition of Colombian Independence; and the other a jealousy of their own negotiators in Europe, who were apt to become themselves entangled with European intrigues, and to involve the Republic in unsuitable and perplexing engagements. With regard to the second of these causes, whatever occasion may have been given to the distrust of their own agents which it avows, it could have

no application to their transaction, with the United States. By assuming the principles of independence, equality, and reciprocity as the foundations of all our negotiations, we discard all the incentives and all the opportunities for double dealing, overreaching, and corrupt caballing. We shall ask nothing which the Colombian Republic can have any interest to deny. We shall offer nothing for which she may be unwilling to yield the fair equivalent. To the other reason, however, the President the more readily accedes, because perceiving its full force, it gives him an opportunity of manifesting in action the friendly disposition of the United States towards the Republic, and their readiness to promote by all proper means the recognition of its Independence, by the great European Powers.

In the negotiation of all commercial Treaties there is undoubtedly an advantage, at least of convenience, enjoyed by the party which treats *at home*; and this advantage acquires greater importance, when as is now the case with both parties, the Treaty to become valid must obtain the assent of legislative assemblies. This advantage in the ordinary course of things accrues to the party to whom the proposal of negotiation is first made. Independent then of all questions of precedence, and without resorting to the example of the first Treaties negotiated by the United States, both of which considerations have been mentioned by Mr. Todd to Dr. Gual, the United States might insist upon having the negotiation concluded *here*, not only as the first proposal of it was made to them, but because the proposal itself was that it should be concluded here. The President, however, is well aware of the stimulus which a Treaty negotiated, and even a negotiation known to be in progress at Bogota, will apply to the attention of European interests, and has no doubt that it will press them to the recognition more powerfully than they have been urged by the example, or are likely to be by the exhortations of the North American Government. You are accordingly furnished, by his direction, with the full power, necessary for the conclusion of the Treaty.

Dr. Gual informed Mr. Todd, that the project of the Treaty was already prepared, and that a copy of it would be committed to Mr. Salazar, with powers and instructions authorizing him to conclude the negotiation, if this Government should insist upon its being completed here. The arrival of Mr. Salazar may be expected from day to day. In the mean time, we are yet unacquainted with the particular objects of commercial intercourse which the Colombian Government wishes to regulate with us by Treaty. The only object which we shall have much at heart in the negotiation, will be the sanction by solemn compact of the broad and liberal principles of *independence, equal favors, and reciprocity*. With this view I recommend to your particular attention the preamble, and first four articles of the first Treaty of amity and commerce between the United States and France, concluded on the 6th of February, 1778. The preamble is believed to be the first instance on the Diplomatic Record of Nations, upon which the true principles of all fair commercial negotiation between Independent States were laid down and proclaimed to the world. That preamble was to the foun-

dition of our commercial intercourse with the rest of mankind, what the Declaration of Independence was to that of our internal Government. The two instruments were parts of one and the same system, matured by long and anxious deliberation of the founders of this Union in the ever memorable Congress of 1776; and as the Declaration of Independence was the fountain of all our municipal institutions; the preamble to the Treaty with France laid the corner stone for all our subsequent transactions of intercourse with foreign nations. Its principles should be therefore deeply impressed upon the mind of every statesman and negotiator of this Union, and the first four articles of the Treaty with France, contain the practical exposition of those principles which may serve as models for insertion in the projected Treaty, or in any other that we may hereafter negotiate with any of the rising Republics of the South.

There is indeed a principle of still more expansive liberality, which may be assumed as the basis of commercial intercourse between nation and nation. It is that of placing the *foreigner*, in regard to all objects of navigation and commerce, upon a footing of equal favor with the *native* citizen, and to that end, of abolishing all discriminating duties and charges whatsoever. This principle is altogether congenial to the spirit of our institutions, and the main obstacle to its adoption consists in this: that the fairness of its operation depends upon its being admitted *universally*. For, while two maritime and commercial nations should bind themselves to it as a compact operative only between *them*, a third Power, might avail itself of its own restrictive and discriminating regulations, to secure advantages to its own People, at the expense of both the parties to the Treaty. The United States have nevertheless made considerable advances in their proposals to other nations towards the general establishment of this most liberal of all principles of commercial intercourse.

On the 3d of March, 1815, immediately after the conclusion of our late war with Great Britain, an act of Congress, (U. S. Laws vol. 4, p. 824,) repealed *so much* of the discriminating duties of tonnage and impost, as were imposed on foreign vessels and merchandise, beyond the duties imposed on the same in our own vessels; *so far* as they respected the *produce or manufacture of the nation to which the foreign vessel might belong*. The repeal to take effect in favor of *any* foreign nation, whenever the President of the United States should be satisfied that the discriminating or countervailing duties of such foreign nation, so far as they operated to the disadvantage of the United States, had been abolished.

On the 3d of July, 1815, (United States Laws, vol. 6, p. 603.) a Convention was concluded with Great Britain, by the second article of which, this principle was adopted for the commercial intercourse between the United States and the British Territories, *in Europe*; so far as related to duties and charges of tonnage, impost, export, and bounties upon articles of the produce or manufacture of the two countries, respectively. It was partially admitted for *drawbacks*. But the intercourse between the United States and the British Possessions

in India was differently regulated by another article of the same Convention, and that between the United States and the British Colonies in America was expressly excepted from the Convention, leaving each party to the exercise, in this respect, of its own rights. This Convention, originally limited to four years, was afterwards, by the Convention of 20th October, 1818, (United States Laws, vol. 6. p. 607.) extended for the term of ten years, from that time.

On the 4th of September, 1816, (United States Laws, vol. 6. p. 642.) a Treaty with Sweden and Norway was concluded, and extended to the Swedish Island of St. Bartholomew, in the West Indies; by the second article of which, the same principle is established, of equal duties and charges, of tonnage, impost, export, and prohibition, upon vessels and their cargoes, being of the produce or manufacture of the respective countries, whether in vessels of the foreigner, or the native. The duration of this Treaty is limited to the 25th of September, 1826.

On the 20th of April, 1818, (United States Laws, vol. 6. p. 344.) an Act of Congress, repealed all discriminating duties of tonnage and impost in favor of the vessels of the *Netherlands*, and their cargoes, being of the produce or manufacture of the Territories in *Europe*, of the King of the Netherlands, or "*such produce and manufactures as can only be, or most usually are, first shipped from a port or place in the Kingdom aforesaid.*" Such repeal to take effect from the time the Government of the Netherlands had abolished its discriminating duties upon the vessels of the United States, and on merchandise imported in them, being of the produce or manufacture of the United States.

By an Act of 3d March, 1819, in addition to the above, (United States Laws, vol. 6. p. 411.) it was extended in all its provisions and limitations, to the vessels of *Prussia*, of the City of *Hamburg*, and of the City of *Bremen*.

This same act of 3d March, 1819, limited its own duration, and that of the act to which it was in addition, and the act of 3d March, 1815, itself, to the 1st of January, 1824.

The provisions of the 3d March, 1815, have been extended by Proclamations of the President of the United States, as follows:—

1818, 24th July, to the Free and Hanseatic City of Bremen. (United States Laws, vol. 6. p. 599.)

1st August, to the Free and Hanseatic City of Hamburg.—p. 600.

1820, 4th May, the Free and Hanseatic City of Lubeck.—p. 601.

1821, 20th August, to the Kingdom of Norway.—p. 602.

22d November, to the Dukedom of Oldenburg.—p. 774.

You will observe that the acts of 3d March, 1819, admitted the vessels of *Hamburg* and *Bremen* to advantages more extensive than those offered by the act of 3d March, 1815, and which had already been secured to them, by the Proclamations of 24th July, and 1st August, 1818. The same enlargement of the favors offered by the act of 3d March, 1815, is extended to the vessels of the Netherlands, and of Prussia. While Norway has the double security, of the principle

offered in the act of 3d March, 1815, by the stipulation in the Treaty with Sweden, and by the President's Proclamation under the act.

The proclamation with regard to Norway, was founded on an act of the Government of that Kingdom, not extending, however, to Sweden, abolishing all discriminating duties whatsoever, in the Norwegian ports, between their own vessels and vessels of the United States, and upon their cargoes, of whatsoever origin, and whencesoever coming. This is the consummation of the principle of treating the foreigner, in respect to navigation and foreign commerce, upon a footing of equal favor with the native. The Government of Norway, in adopting this regulation, required that it should be reciprocally granted to Norwegian vessels and their cargoes in the ports of the United States. This, however, could be granted only by an act of Congress; and the Proclamation could only extend to them under the *Law*, that to which they were already entitled by the *Treaty*.

The subject was submitted to Congress by a message from the President, towards the close of the first session of the 17th Congress, (1st May, 1822,) and the general policy of our commercial system, with particular reference to the act of 3rd March, 1815, and the subsequent measures resulting from it, had been reviewed in the message of 5th December, 1821, at the commencement of the same session. The principle offered by the Norwegian Government could not, however, then have been accepted, without great disadvantage to the U. States. Our direct trade with the British Colonies in America, was interdicted by our own and British laws. That with France was under countervailing regulations of both parties, equivalent to interdiction. To have granted then to Norwegian vessels, unrestricted admission into our ports, upon the same terms with our own, would in fact have granted them privileges, which our own did not, and could not enjoy. Our own being under the operation of restrictions and prohibitions, ordained by Britain and France, from which the Norwegian vessels would have been exempt.

Our direct trade with the British American Colonies has since been opened, and that with France has been restored; both, however, shackled with countervailing restrictions and regulations, burdensome to those by whom it may be carried on. As the act of Congress of 3rd March, 1815, and all the regulations founded upon it, will expire on the first of January next, the whole subject will again be before that body at their next session, for revisal. In this state of things, it may be perhaps most prudent, in the commercial negotiations with the Republic of Colombia, to adhere to the principle of *equal favor to the most friendly nation*, leaving that of *equal favor with the native*, for future consideration and concert between the parties.

To the same extent, however, as we are already bound by treaty with Great Britain, until October, 1828, and with Sweden, until September, 1826, you may safely proceed: taking the second article of each of those compacts for a model, and forming an article embracing the stipulations of both. Thus far we may safely go with any one, or

more foreign nations, without endangering, by the liberality of our engagements with them, the interests of our own country, to be affected by the restrictive ordinances of others. An exception must be made with regard to the ports of St. Augustine, and Pensacola, where, by the 15th article of the late treaty with Spain, special privileges are secured to Spanish vessels, until the 22d of May, 1833.

Among the usual objects of negotiation in treaties of commerce and navigation, are the liberty of conscience, and of religious worship. Articles to this effect have been seldom admitted in Roman Catholic countries, and are even interdicted by the present constitution of Spain. The South American Republics have been too much under the influence of the same intolerant spirit; but the Colombian Constitution is honorably distinguished by exemption from it. The 10th and 11th articles of our treaty with Prussia, or articles to the like effect, may be proposed for insertion in the projected treaty; and after setting the first example in South America, of a Constitution unsullied by prohibitions of religious liberty, Colombia will deserve new honors in the veneration of present and future ages, by giving her *positive* sanction to the freedom of conscience, and by stipulating it in her first treaty with these United States. It is, in truth, an essential part of the system of American Independence. Civil, political, commercial, and religious liberty, are but various modifications, of one great principle, founded in the unalienable rights of human nature, and before the universal application of which, the Colonial Domination of Europe, over the American hemisphere, has fallen, and is crumbling into dust. *Civil* liberty can be established on no foundation of human reason, which will not at the same time demonstrate the *right* to religious freedom. The tendency of the spirit of the age is so strong towards religious liberty, that we cannot doubt it will soon banish from the Constitutions of the Southern Republics of this hemisphere, all those intolerant religious establishments, with which they have hitherto been trammelled. Religious and military coercion will be alike discarded from all the institutions framed for the protection of human rights, in civil society of independent nations; and the freedom of opinion and of faith, will be guarantied by the same sanction as the rights to personal liberty and security. To promote this event by all the moral influence which we can exercise, whether of example, of friendly counsel, or of persuasion, is among the duties which devolve upon us in the formation of our future relations with our Southern neighbors; and in the intercourse which is hereafter to subsist between us, as their citizens, who may visit, or transiently reside with us, will enjoy the benefit of religious freedom in its utmost latitude; we are bound to claim for our countrymen, who may occasionally dwell for a time with them, the reciprocal exercise of the same natural rights.

In the present imperfect state of our information with regard to the existing commerce between the two countries, and the uncertainty what its future and permanent relations may be, it would be useless to enter into any further detail of articles, which it may be pro-

per to propose for the intended treaty of commerce. The Republic of Colombia, if permanently organized, to embrace the whole territory which it now claims, and blessed with a government, effectually protective of the rights of its people, is undoubtedly destined to become hereafter one of the mightiest nations of the earth. Its central position upon the surface of the globe; directly communicating at once with the Pacific and Atlantic Oceans, north and south, with the Caribbean sea, and the Gulf of Mexico, brings it into relations of proximity with every other part of the world, while the number and variety of its ports, on every sea by which it is surrounded; the magnitude and extent of its navigable rivers, three of which, the Amazon, the Orinoco, and the Magdalena, are among the largest in the world, intersecting with numberless tributary streams, and in every direction the continent of South America, and furnishing the means of water-communications from every point of its circumference, to every spot upon its surface; the fertility of its soil, the general healthiness and beauty of its climate; the profusion with which it breeds and bears the precious, and the useful metals, present a combination of elements, unparalleled in the location of the human race; and relieve at least from all charge of enthusiasm, the sentiment expressed by the late Mr. Torres, that this republic appeared to have been destined by the author of nature, "as the centre and the *Empire* of the human family."

But it is to *man*, placed in a Paradise like this, that nature with her loudest voice exclaims: "God to *thee* has done his part—do thine," and the part of man so gifted, and so endowed, is to enjoy, and to communicate the bounties of Providence, so largely lavished upon him; and not to fancy himself destined to the *Empire* of the human family. If the natural advantages bestowed upon the Colombian territory, were to be improved by its inhabitants, only for purposes of empire, that, which nature has bestowed as a blessing upon them, would, in its consequences, prove a curse inflicted upon the rest of mankind. The territory of Colombia contains at this moment, little more than three millions and a-half of souls. Were it only as populous as its late parent country, Spain, it would bear one hundred millions, and if as populous as France, nearly three times that number, At the most rapid rate of increase, which human population has ever attained, even a doubling every quarter of a century, the Republic of Colombia, for two hundred years to come, may devote all her exertions to the improvement of her internal means of subsistence, for the multiplying myriads of her people, without seeking support from the extension of her empire beyond her own borders. Let her look to *commerce and navigation*, and not to empire, as her means of communication with the rest of the human family. These are the principles upon which *our* confederated Republic is founded, and they are those upon which we hope our sisters of the southern continent will ultimately perceive it to be for their own welfare, no less than for that of the world, that they should found themselves.

The *materials* of commercial intercourse, between the United

States and the Colombian Republic, are at present not many. Our exports to it hitherto, have been confined to flour, rice, salted provisions, lumber, a few manufactured articles, warlike stores, and arms, and some East India productions, for which we have received cocoa, coffee, indigo, hides, copper, and specie. Much of this trade has originated and has continued, only by the war in which that country has been engaged, and will cease with it. As producing and navigating nations, the United States and Colombia will be rather competitors and rivals than customers to each other. But as navigators and manufacturers, *we* are already so far advanced in a career, upon which *they* are yet to enter, that we may for many years after the conclusion of the war, maintain with them a commercial intercourse, highly beneficial to both parties, as *carriers* to and for them of numerous articles of manufacture and of foreign produce. It is the nature of commerce, when unobstructed by the interference of authority, to find its own channels, and to make its own way. Let us only not undertake to regulate that which will best regulate itself.

In the conferences between Dr. Gual and Mr. Todd, the Colombian Minister of Foreign Affairs has spoken of treaties, *almost* treaties of alliance, concluded by the Colombian Plenipotentiary, Mosquera, with the governments of Peru and of Chili, and which he expected would also be shortly concluded with Buenos Ayres. The purport of these treaties, was mentioned by Dr. Gual only in general terms, but he said that Mr. Salazar would be authorized to communicate copies of them to this government, and eventually to propose that the United States should accede to them, or take a part in the system, which it was their purpose to originate. In January last, about the same time when Dr. Gual was making this confidential communication to Mr. Todd, we learn by despatches from Mr. Forbes, that Mr. Mosquera was at Buenos Ayres, and had made his proposals of negotiation to the government there. Mr. Forbes speaks doubtfully of his prospects of success. The general intention, but not the specific purport of the treaties, had also been communicated by Mr. Mosquera to Mr. Forbes. But the Colombian Minister had been more confidential with Mr. Prevost, who, in a despatch dated the 14th of December last, states that he had obtained a sight of the original treaty. He describes it in a preceding letter, as a treaty of alliance, offensive and defensive, containing "a pledge from each of the contracting parties, to send deputies to the Isthmus, within a limited time, for the double purpose of effecting an union in support of a representative system throughout, and of preventing partial associations with any one of the Powers in Europe. An agent, (he adds) has gone to Mexico with the same object, and it is in contemplation, as soon as the several treaties shall be ratified by Colombia, to invite a representation from the United States, to preside at a meeting intended to assimilate the politics of the south with those of the north;" and in a letter of 14th December, after having seen the treaty, he says, "it embraces in the most express terms, the several objects to which I alluded, together with a stipulation, not to enter into partial ar-

rangements with Spain, and not to listen to overtures on her part, unaccompanied with an acknowledgment of the independence of all."

Mr. Prevost, as well as Dr. Gual, entertains higher expectations of the success of this negotiation at Buenos Ayres, than Mr. Forbes. Mr. Prevost thinks that it must succeed, although the Government of Buenos Ayres is secretly averse to it, and implicated in secret intrigues with the Portuguese Government and General Le Cor, for a confederacy of a different character. Dr. Gual told Mr. Todd that proposals had been made by the Portuguese Government at Lisbon, to Colombia, for a general confederacy of all America, North and South, together with the Constitutional Governments of *Portugal* and Spain as a counterpoise to the European *Holy Alliance*; but he said they had been rejected on account of their *European aspect*. Loose and indefinite projects of the same kind have been presented by the present Portuguese Government to us, but they have never been considered even as objects of deliberation: Brazil has declared its own Independence of Portugal, and constituted itself into an Empire with an Emperor at its head. General Le Cor has lost the real command of his own army, and has been, or cannot fail shortly to be compelled to embark, with all his European Portuguese troops, for Lisbon. Then will come the question between Buenos Ayres and Brazil, for Monte Video and the Oriental Band of La Plata.

Of this mighty movement in human affairs, mightier far than that of the downfall of the Roman Empire, the United States may continue to be, as they have been hitherto, the tranquil, but deeply attentive spectators. They *may*, also, in the various vicissitudes, by which it must be followed, be called to assume a more active and leading part in its progress. Floating, undigested purposes of this great American confederation, have been for sometime fermenting in the imaginations of many speculative statesmen, nor is the idea to be disdainfully rejected, because its magnitude may appal the understanding of politicians accustomed to the more minute, but more complicated machinery of a contracted political standard.

So far as the proposed Colombian confederacy has for its object a combined system of total and unqualified *Independence* of Europe, to the exclusion of all partial compositions, of any one of the emancipated colonies, with Spain, it will have the entire approbation and good wishes of the United States, but will require no special agency of theirs to carry it into effect.

So far as its purposes may be to concert a general system of popular representation for the government of the several Independent States which are floating from the wreck of the Spanish power in America, the United States will still cheer it with their approbation, and speed with their good wishes its success.

And so far as its objects may be to accomplish a meeting, at which the United States should preside, to assimilate the politics of the South with those of the North, a more particular and definite view of the end proposed by this design, and of the means by which it is to be effected, will be necessary to enable us to determine upon our con-

currence with it. An agent from France, named Molien, and Mr. Lorch, the Consul General of Sweden in the United States, arrived at Bogota, in January last. Dr. Gual told Mr. Todd that Molien had no letters or avowed powers, though he had intimated he was there by authority; that he was considered as a spy on behalf of a faction in France. "He had insinuated that the United States were *influenced by interested motives*, in recognizing the New Governments in South America; that our influence in Europe had been impaired by a measure which *was considered premature*; and that he supposed we were now endeavoring to procure exclusive advantages for having been the first to recognize." And Dr. Gual added, that Mr. Molien undertook "to give him some advice as to our views"—Mr. Lorch came with authority.

The political systems of Europe are all founded upon partial rights and *exclusive* privileges. The colonial system had no other basis; and having no generous or liberal views of their own, it is not surprising that they should entertain and disseminate suspicions of the disinterestedness of others. The French Government sends an agent to Bogota, without daring to trust him with a credential or an avowed power; and he executes his commission by misrepresenting our motives, upon *suspitions*, which those to whom he makes the misrepresentation, know to be unfounded, and by testifying to those who were benefitted by our recognition, that we had made it, by the sacrifice of some part of our influence in Europe. It must be admitted that the address of the agent in the performance of his trust, was upon a level with the candor and frankness in which it originated.

We are well aware that our recognition of South American Independence was not palatable to the taste of any of the European Governments. But we felt that it was a subject upon which it became us to take the lead, and as we knew that the European Governments, sooner or later, must and would, whether with good or with bad grace, follow our example, we determined that both Europe and America should have the benefit of it. We hope, also, and this is the only return which we ask, and have a right to ask, from the South Americans for our forwardness in their favor, that Europe will be compelled to follow the whole of our example; that is, to recognize without condition and without equivalent. We claim no exclusive privilege for ourselves. We trust to the sense of justice, as well as to the interest of the South Americans, the denial of all exclusive privileges to others. The Colombian Government, at various times, have manifested a desire that the United States should take some further and active part in obtaining the recognition of their Independence by the European Governments, and particularly by Great Britain. This has been done even before it was solicited. All the Ministers of the United States in Europe, have, for many years, been instructed to promote the cause, by any means consistent with propriety, and adapted to their end, at the respective places of their residence. The formal proposal of a concerted recognition was made to Great Britain before the Congress of Aix La Chapelle. At the

request of Mr. Torres, on his dying bed, and signified to us after his decease, Mr. Rush was instructed to give every aid in his power, without offence to the British Government, to obtain the admission of Mr. Ravenga; of which instruction, we have recent assurances from Mr. Rush that he is constantly mindful. Our own recognition undoubtedly opened all the ports of Europe to the Colombian flag, and your mission to Colombia, as well as those to Buenos Ayres and Chili, cannot fail to stimulate the Cabinets of maritime Europe, if not by the liberal motives which influenced us, at least by selfish impulses, to a direct, simple, and unconditional recognition. We shall pursue this policy steadily through all the changes to be foreseen, of European affairs. There is every reason to believe that the preponderating tendency of the war in Spain, will be to promote the universal recognition of all the South American Governments; and at all events, our course will be to promote it by whatever influence we may possess."

"One of the complaints of Mr. Lowry, was relative to the case of the ship *Caravan* from Providence, captured by a Colombian cruizer, and carried into La Guayra, where the vessel had been cleared as neutral; and the cargo condemned as enemy's property. Mr. Lowry had invoked the stipulations of various treaties establishing and recognizing the principle that free ships make free goods; the application of which is denied by Dr. Gual, who appealed to the instructions from Mr. Pickering, in 1797, to Messrs. Marshall, Pinckney, and Gerry, our Envoys in France.

By the general *usage* of nations, independent of treaty stipulations, the property of an enemy is liable to capture in the vessel of a friend. It is not possible to justify this rule upon any sound principle of the law of nature; for, by that law, the belligerent party has no right to pursue or attack his enemy without the jurisdiction of either of them. The high seas are a general jurisdiction common to all, qualified by a special jurisdiction of each nation over its own vessels. As the theatre of general and common jurisdiction, the vessels of one nation and their commanders have no right to exercise over those of another any act of authority whatsoever. This is universally admitted in time of peace. War gives the belligerent a right to pursue his enemy within the jurisdiction common to both; but not into the special jurisdiction of the neutral party. If the belligerent has a right to take the property of his enemy on the seas, the neutral has a right to carry and protect the property of his friend on the same element. War gives the belligerent no natural right to take the property of his enemy from the vessel of his friend. But as the belligerent is armed, and the neutral, as such, is defenceless, it has grown into *usage* that the belligerent should take the property of his enemy; paying the neutral his freight and submitting the question of facts to the tribunals of the belligerent party. It is evident, however, that this *usage* has no foundation in natural right, but has arisen merely from *force*, used by the belligerent, and which the neutral in the origin did not resist, because he had not the power. But it is a usage,

harsh and cruel in its operation, and unjust in its nature: and it never fails in time of maritime war to produce irritation and animosity between the belligerent and the neutral. So universally has this been found to be its consequence, that *all* the maritime nations of modern Europe have shown their sense of it, by stipulating in treaties the contrary principle, namely, that the property of an enemy shall be *protected* in the vessel of a friend. Great Britain herself, the most unwilling to admit this principle, because the most enabled to use the *force*, upon which the usage is founded, has recognized the superior justice and expediency of the other principle, by stipulating it at distant intervals of time, in two treaties with France; the treaty of Utrecht, and the treaty of Commerce, of 1786. In the seven years war, the king of Prussia resisted the capture by British vessels, of the property of their enemies, in the vessels of his subjects, then neutrals, and made reprisals upon British property for such captures. The question was then ultimately settled by a compromise, under which the British Government paid a large sum of money for indemnity to the Prussian subjects who had suffered by those captures. The armed neutrality of the American war, is a memorable example of the testimony by all the civilized nations of the world, to the principle, that the protection of all property, excepting contraband of war, on board of neutral vessels, by neutral force, is of *natural* right—and of this principle there can be no question. If, however, a belligerent power, founded upon the *usage* which has superseded the natural right, practices the seizure and condemnation of enemy's property found in the vessel of a friend, it remains for the neutral to decide, whether he will acquiesce in the usage, or whether he will maintain his natural right by force. No neutral nation is bound to submit to the usage: for it has none of the properties which can give to any usage the sanction of obligatory law. It is not reasonable. It is not conformable to the law of nature. It is not *uninterrupted*. But reduced to the option of maintaining its right by force, or of acquiescing in the disturbance of it which has been usual, the neutral nation may yield at one time to the usage, without sacrificing her right to vindicate by force the security of her flag at another. And the belligerent nation, although disposed to admit the right of neutrals to protect the property of her enemy upon the seas, may yet justly refuse the benefit of this principle, unless admitted also by the enemy, for the protection of her property, by the same neutral flag. Thus stands the state of this question upon the foundations of *natural*, *voluntary*, and *customary* law. How stands it between us and the Republic of Colombia, on the ground of *conventional* law? By a treaty between the United States and Spain, concluded at a time when Colombia was a part of the Spanish dominions, and so far as the *Spanish* laws would admit, enjoyed the benefit of its stipulations, the principle that free ships make free goods, was expressly recognized and established. Is it asserted that by her declaration of independence, Colombia has been entirely released from all the obligations, by which as a part of the Spanish nation she was bound to

other nations? This principle is not tenable. To all the engagements of Spain with other nations, affecting their rights and interests, Colombia, so far as she was affected by them, remains bound in honor and in justice. The stipulation now referred to is of that character, and the United States, besides the natural right of protecting by force, in their vessels on the seas, the property of their friends, though enemies of the Republic of Colombia, have the additional claim to the benefit of the principle, by an express compact with Spain, made when Colombia was a Spanish country. Again, by the late treaty of 22d February, 1819, between the United States and Spain, it is agreed that the 15th article of the treaty of 1795, in which it is stipulated that the flag shall cover the property, shall be so understood with respect to those Powers, who recognize the principle: but, if either of the two contracting parties shall be at war with a third party, and the other neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge the principle, and not of others.

This Treaty having been concluded after the Territories now composing the Republic of Colombia had ceased to acknowledge the authority of Spain, they are not parties to it, but their rights and duties in relation to the subject-matter remain as they had existed before it was made. Nor will she be affected by it at all, if she continues to acknowledge in her new national character, and with reference to the United States, the principle that free ships make free goods, which was the Conventional law between them while Colombia was a part of Spain.

You will urge all these considerations upon the Colombian Minister of foreign affairs, to obtain restitution of the cargo of the Caravan, or indemnity for it. The claim rests upon foundations so solid, that it is earnestly hoped your representations in its favor will be successful; and in the negotiation of the Treaty you will press in like manner for the insertion of an article of the same purport as that of our last treaty with Spain above recited. This principle can with safety be recognized only to that extent; and to that extent the United States would willingly assent to it with every other nation. It is a principle favorable to the rights of peace, and of pacific spirit and tendency. It is recommended by every humane and liberal consideration, as a rule of universal application. But the nation which would enjoy the benefit of it, as a neutral, or as a passive belligerent, resorting to the neutral flag, must also recognize it as an active belligerent, and suffer the property of her enemy to be conveyed safely by the same flag which safely conveys hers; otherwise the liberal principle of itself is turned to the advantage of the belligerent which rejects it, and the mild spirit of Peace is made subservient to the unfeeling rapacity of War.

A resolution of the House of Representatives of the late Session of Congress, requests the President of the United States to enter upon and to prosecute, from time to time, such negotiations with the several maritime powers of Europe and America, as he may deem expedient

for the effectual abolition of the African Slave Trade ; and its ultimate denunciation as *Piracy*, under the Law of Nations, by the consent of the civilized world.

In pursuance of this object you will communicate to the Colombian Government copies of the several acts of our Congress, for the suppression of the Slave-trade, of the 20th of April, 1818, (United States laws, vol. vi. p. 325.) of 3d March, 1819, (p. 435.) and of 15th May, 1820, (p. 529.) pointing their attention particularly to the fourth and fifth sections of the last, which subject to the penalties of piracy every citizen of the United States guilty of active participation in the African slave-trade. The adoption of this principle in the Legislative code of all the maritime nations, would, of itself, probably suffice for the suppression of the trade. But, as it would yet not authorize the armed vessels of any one nation to capture those of another, engaged in the trade, a stipulation to that effect may be agreed to by the Treaty, conditioned that the captor shall deliver over the captured party to the tribunals of his own country for trial, to which should be added some guard of responsibility upon the capturing officer, to prevent the abusive exercise of his power.

There are several cases of claims by citizens of the United States upon the Colombian Government, which were given in charge to Mr. Todd, and concerning which he has been often promised by Dr. Gual, that satisfactory proceedings would be had. Some of them are already of several years standing, and indemnity was acknowledged to be due upon them so long since as when the late Commodore Perry was at Angostura. Mr. Todd will put you in possession of the papers relating to them, and you will follow up the demand of indemnities with all the earnestness and perseverance which their justice and the delays already interposed may require.

Most of them are complaints which have arisen from maritime captures. Before the establishment of the Republic of Colombia, the Venezuelan Revolutionary authorities, for some time countenanced an irregular system of maritime warfare, which soon degenerated into absolute piracy. It became a subject of very earnest remonstrance by the Government of the United States, whose citizens suffered severely under its depredations, whose laws were continually outraged by its operative agents, and whose good faith and justice towards other nations it tended very seriously to implicate. Since the organization of the new Republic, there has been less reason for complaints, but satisfaction has not yet been made for those which had arisen before. A list of the cases committed to Mr. Todd, and copies of papers recently received at this Department, from the Delaware Insurance Company at Philadelphia, relating to the schooner *Minerva*, are now furnished you.

In this case of the *Minerva*, the sentence is given by an *Assessor*, acting as a Court of Admiralty ; and confirmed by the Commandant General of Marine at Santa Martha. It refers to the 19th article of an ordinance of 4th March, 1817, which is no doubt a law relating to prizes. You are requested to procure and transmit to this Depart-

ment a copy of that ordinance, and also exact information of the organization of the Admiralty Courts, and any laws relating to prize or privateering which may be in force, whether Spanish law continued, or new law promulgated since the Revolution.

Our intercourse with the Republic of Colombia, and with the Territories of which it is composed, is of recent origin, formed, while their own condition was altogether revolutionary, and continually changing its aspect. Our information concerning them is imperfect, and among the most important objects of your mission will be that of adding to its stores; of exploring the untrodden ground, and of collecting and transmitting to us the knowledge by which the friendly relations between the two countries may be extended and harmonized to promote the welfare of both, with due regard to the peace and good will of the whole family of civilized man. It is highly important that the first foundations of the permanent future intercourse between the two countries should be laid in principles, benevolent and liberal in themselves, congenial to the spirit of our institutions, and consistent with the duties of universal philanthropy.

In all your consultations with the Government to which you will be accredited, bearing upon its political relations with this Union, your unvarying standard will be the spirit of independence and of freedom, as *equality* of rights and favors will be that of its commercial relations. The emancipation of the South American Continent, opens to the whole race of man prospects of futurity, in which this Union will be called, in the discharge of its duties to itself and to unnumbered ages of posterity, to take a conspicuous and leading part. It involves all that is precious in hope, and all that is desirable in existence, to the countless millions of our fellow creatures, which, in the progressive revolution of time, this hemisphere is destined to rear and to maintain.

That the fabric of our social connections with our Southern neighbors may rise, in the lapse of years, with a grandeur and harmony of proportion corresponding with the magnificence of the means, placed by Providence in our power, and in that of our descendants, its foundations must be laid in principles of politics and of morals, new and distasteful to the thrones and dominations of the elder world; but co-extensive with the surface of the globe, and lasting as the changes of time."

2.

Mr. Salazar to Mr. Clay.

LEGATION OF COLOMBIA,

Near the United States of North America.

The undersigned has the honor to communicate to the Hon. Henry Clay, for the information of his Government, and the attainment of the objects proposed, that the Assembly of American Plenipotentiaries, in relation to which the Minister from Mexico and the undersigned have

held some verbal conferences with the Secretary of State, at their previous request, will shortly be organized; as the Plenipotentiaries from Peru are already at the Isthmus of Panama, the place appointed for the Congress, and those from Colombia and other American Republics, are on their way to this Assembly, which they have provided for by public treaties.

The Hon. Secretary having intimated, in the name of his Government, that the United States, if formally invited by Mexico and Colombia, and apprized of the subjects to be discussed, would, on their part, appoint a person to represent them, if these subjects should be approved by the United States, the undersigned is accordingly authorized by his Government to address this invitation, which he now makes, by this note, in all due form. He is also assured that the Minister from Mexico will present the same invitation on the part of his Government, and the Minister from Guatemala has just received similar instructions from his Government.

Of the points which will be under discussion by the Assembly of Panama, the undersigned is unable to give a minute enumeration, as they will evidently arise out of the deliberations of the Congress. He is, however, authorized by his Government to assure the United States that these points have no tendency to violate their professed principles of neutrality. The undersigned has also been instructed to suggest some subjects, that will form useful matter of discussion in the Congress.—These subjects constitute two classes:

1. Matters peculiarly and exclusively concerning the belligerents.
2. Matters between the belligerents and neutrals.

As the United States will not take part in the discussion of subjects of the first description, we will confine ourselves to the latter.

At Panama, the best and most opportune occasion is offered to the United States, to fix some principles of international law, the unsettled state of which has caused much evil to humanity. It is to be presumed that this Government possesses more light upon the subject than the other States of our hemisphere, both from its experience during the wars that succeeded the French Revolution, and from its negotiations now on foot with Great Britain and other nations, relative to these principles. It belongs to each of the concurring parties to propose their views, but the voice of the United States will be heard with the respect and deference which its early labors in a work of such importance will merit.

The manner in which all colonization of European Powers on the American continent shall be resisted, and their interference in the present contest between Spain and her former colonies prevented, are other points of great interest. Were it proper, an eventual alliance, in case these events should occur, which is within the range of possibilities, and the treaty, of which no use should be made until the *casus foederes* should happen, to remain secret; or, if this should seem premature, a convention so anticipated would be different means to secure the same end, of preventing foreign influence. This is a matter of immediate utility to the American States that are at war with Spain.

and is in accordance with the repeated declarations and protests of the Cabinet at Washington. The conferences held on this subject being confidential, would increase mutual friendship, and promote the respective interests of the parties.

The consideration of the means to be adopted for the entire abolition of the African slave trade, is a subject sacred to humanity, and interesting to the policy of the American States. To effect it, their energetic, general, and uniform co-operation is desirable. At the proposition of the United States, Colombia made a convention with them on this subject, which has not been ratified by the Government of the United States. Would that America, which does not think politic what is unjust, would contribute, in union, and with common consent, to the good of Africa!

The descendants of this portion of the globe have succeeded in founding an independent Republic, whose Government is now recognized by its ancient metropolis. On what basis the relations of Hayti, and of other parts of our hemisphere that shall hereafter be in like circumstances, are to be placed, is a question simple at first view, but attended with serious difficulties when closely examined. These arise from the different manner of regarding Africans, and from their different rights in Hayti, the United States, and in other American States. This question will be determined at the Isthmus, and, if possible, an uniform rule of conduct adopted in regard to it, or those modifications that may be demanded by circumstances.

The undersigned merely makes these suggestions by way of example; it is left to the wisdom of the Governments, and the judgments of their Representatives, to propose whatever may be esteemed of common good to the new Hemisphere. Inviting the United States, in the name of Colombia, to a Congress, the mere assembling of which will increase the political importance of America, and show the facility with which she can combine the resources in defence of common rights, when necessary, the undersigned hopes that the United States will make an early appointment of a person or persons to represent them in this Assembly, as the conditions that were required have been fulfilled.

The undersigned has the honor to offer to the Hon. Henry Clay his most distinguished consideration.

JOSE MARIA SALAZAR.

Washington, November 2, 1825.

3.

Mr. Obregon to Mr. Clay.

LEGATION OF THE UNITED STATES OF MEXICO,

Washington, 5d November, 1825.

The underwritten Minister Plenipotentiary, has the honor of informing the Hon. Secretary of State, that he has communicated to his Go-

vernment the conversations which occurred between them, on his making known to them the determination of the Governments of Colombia and Mexico, to form a Congress of Representatives from the new States of the Continent, who to that end had been invited; in which were to be discussed, subjects of general interest to all the American Powers, as well as those which might be particularly suggested by the existence and actual position of the new Powers; and, in the meeting of which, it was thought proper, by the Government of the subscriber, that the United States of America, by means of their Commissioners, should constitute and take part, as being so much interested in the first and principal subject, upon which the Congress would be engaged.

In consequence of which, being informed of the concurrence of this Government, in the idea of discussing the first point in a Congress, as was desired, and that it would send Representatives to it, under condition, that the neutrality in which it stood towards Spain, should not be violated; and that it should be invited thereto, by the Republics of Mexico and Colombia: who should, moreover, signify the affairs with which it was to be occupied, to promote its object, and the necessary uniformity of credentials or authorization of the respective Representatives:—the President of the United States of Mexico, has charged and commissioned anew, the underwritten, to make the invitation, and to point out the affairs as stated.

The Government of the subscriber never supposed, nor desired, that the United States of America would take part in the Congress about to be held, in other matters than those, which, from their nature and importance, the late Administration pointed out and characterized, as being of general interest to the continent; for which reason, one of the subjects, which will occupy the attention of the Congress, will be the resistance or opposition to the interference of any neutral nation, in the question and war of independence, between the new Powers of the Continent and Spain.

The Government of the undersigned apprehends that, as the powers of America are of accord as to resistance, it behoves them to discuss the means of giving to that resistance all possible force, that the evil may be met, if it cannot be avoided; and the only means of accomplishing this object, is by a previous concert as to the mode in which each of them shall lend its co-operation; for otherwise, resistance would operate but partially, and in a manner much less certain and effective.

The opposition to colonization in America by the European Powers, will be another of the questions which may be discussed, and which is in like predicament with the foregoing.

After these two principal subjects, the Representatives of the United States of America may be occupied upon others, to which the existence of the new States may give rise; and which it is not easy to point out or enumerate: for which the Government of the United States of Mexico will give instructions and ample powers to its Commissioners, and it trusts that those from the other Powers may bear the same.

The Congress is to be assembled at Panama, at which city the

Representatives from Colombia, Peru, Guatemala, and Mexico, will have already arrived, at the date of this; they will be engaged upon the preliminary rules of the Assembly; and likewise upon questions which belong exclusively to the belligerents.

The United States of America may send their Representatives to that city, to take part in those questions, which, long since, they were the first in declaring to the world they regarded as of transcendent importance to the interests of all America; and in others to which the formation of the new States will give rise; the concurrence in which will, moreover, accomplish the object so much desired, by the respective governments, of manifesting, by deeds, the disposition and facility which the powers of this continent possess, to act in concert in the common cause.

To which end, and in compliance with the tenor of the conversations held with the Honorable Secretary of State, the underwritten Minister Plenipotentiary invites this Government to send Representatives to the Congress of Panama, with authorities as aforesaid, and with express instructions in their Credentials, upon the two principal questions; in which step he is likewise joined by the Minister of Colombia, and with which he trusts he has fulfilled all that was stipulated to this end.

The subscriber has the honor, on this occasion, to present to the Honorable Secretary his respects and highest consideration.

PABLO OBREGON.

To the Hon. H. CLAY,
Secretary of State, U. S.

4.

Mr. Canaz to Mr. Clay.

WASHINGTON, November 14th, 1825.

The Government of Central America, which I have the honor to represent, as early as the year 1821, was sensible of the importance, to the independent Nations of this continent, of a General Congress of their representatives, at some central point, which might consider upon, and adopt, the best plan for defending the States of the New World from foreign aggression, and, by treaties of alliance, commerce, and friendship, raise them to that elevation of wealth and power, which, from their resources, they may attain. It also acknowledged, that, as Europe had formed a *Continental System*, and held a Congress whenever questions affecting its interests were to be discussed, America should form a system for itself, and assemble by its representatives, in Cortes, whenever circumstances of necessity and great importance should demand it.

Entertaining these views, the Government of Central America voluntarily expressed its willingness to appoint its deputies for such an object. Sensible of its importance, which has also been felt by the

Governments of South America, it has resolved to send plenipotentiaries to a General Congress, to be formed for the purposes of preserving the territorial integrity, and firmly establishing the absolute independence of each of the American Republics. On the 19th of March last, the Government of Central America formed a convention with that of Colombia, providing for this object; and I, as its representative, have been instructed to express to the Government of the United States, the desire entertained by my Government, that it should send a representative to the General Congress.

To fulfil the wishes of my Government, and convinced, at the same time, of the importance and respectability which would attach to the General Congress of the American Republics, from the presence of Envoys from the United States of America, I now address this high Government upon this subject, in the name of Central America. I am anxious, therefore, to know if this Republic, which has ever shown itself the generous friend of the new American States, is disposed to send its Envoys to the General Congress, the object of which is, to preserve and confirm the absolute independence of these Republics, and to promote the general good; and *which will not require that the representatives of the United States should, in the least, compromise their present neutrality, harmony, and good intelligence, with other nations.* This, my Government has deemed it necessary to state distinctly, in making the present invitation.

Be pleased, sir, to accept, expressions of the high consideration with which I am,

Respectfully,

Your obedient servant,

ANTONIO JOSE CAÑAZ.

To the Hon. the SECRETARY OF STATE.

5.

Mr. Clay to Mr. Obregon.

DEPARTMENT OF STATE,

Washington, November 30, 1825.

SIR: I have the honor to acknowledge the receipt of your official note of the third instant, communicating a formal invitation from the Government of the United States of Mexico, to that of the United States, to send deputies to the contemplated Congress at Panama, and particularizing several subjects, which your government conceives may be proper for the consideration of that Congress; and I have laid your note before the President of the United States.

When at your instance, during the last spring, I had the honor of receiving you at the Department of State, and conferring with you verbally, in regard to the proposed Congress, and to the friendly wish entertained by your government, that ours should be represented at it, I stated to you, by the direction of the President, that it appeared to him to be necessary, before the assembling of such a Com-

gress, to settle between the different Powers to be represented, several preliminary points such as the subjects to which the attention of the Congress should be directed; the substance and the form of the powers to be given to the respective representatives; and the mode of organizing the Congress; and that, if these points should be satisfactorily arranged, the President would be disposed to accept, in behalf of the United States the invitation with which you were provisionally charged.

In your note, there is not recognized so exact a compliance with the conditions, on which the President expressed his willingness that the United States should be represented at Panama, as could have been desired. It would have been, perhaps, better, if there had been a full understanding between all the American Powers, who may assemble by their representatives, of the precise questions on which they are to deliberate, and that some other matters, respecting the powers of the deputies, and the organization of the Congress, should have been distinctly arranged, prior to the opening of its deliberations. But, as the want of the adjustment of these preliminaries, if it should occasion any inconvenience, could be only productive of some delay, the President has determined, at once, to manifest the sensibility of the United States, to whatever concerns the prosperity of the American hemisphere, and to the friendly motives which have actuated your Government in transmitting the invitation which you have communicated. He has, therefore, resolved, should the Senate of the United States, now expected to assemble in a few days, give their advice and consent, to send Commissioners to the Congress at Panama. Whilst they will not be authorized to enter upon any deliberations, or to concur in any acts, inconsistent with the present neutral position of the United States, and its obligations, they will be fully empowered and instructed upon all questions likely to arise in the Congress on subjects in which the nations of America have a common interest. All unnecessary delay will be avoided in the departure of these Commissioners from the United States for the point of their destination.

I avail myself of the occasion, to offer you the assurances of my distinguished consideration.

HENRY CLAY.

DON PABLO OBREGON,

Envoy Extraordinary and Minister Plenipotentiary from Mexico.

NOTE.—The same to Mr. Salazar, *mutatis mutandis*.

6.

Mr. Clay to Mr. Canaz.

DEPARTMENT OF STATE,

Washington, 30th Nov. 1825.

SIR: I have the honor to acknowledge the receipt of your official note, of the 14th instant, communicating an invitation from the Go-

vernment of the Federation of the Centre of America, to that of the United States, to send deputies to the contemplated Congress at Panama. Having laid it before the President, I am instructed by him to say, that the United States, always feeling the deepest interest in whatever concerns the prosperity of the American Hemisphere, and receiving with great sensibility, this new proof of the friendly esteem of the Government of the Central Republic, will be represented at that Congress, if the Senate of the United States should so advise and consent. That body will assemble in the course of a few days, and, if it concur with the President, Commissioners from the United States will be deputed to Panama, without any unnecessary delay. These Commissioners will be empowered and instructed, upon all questions which may appear to this Government to be likely to arise in the Congress, on subjects in which the nations of America may be supposed to have a common interest.

I avail myself of the occasion to offer you assurances of my distinguished consideration.

HENRY CLAY.

DON ANTONIO JOSE CANAZ,

*Envoy Extraordinary and Minister Plenipotentiary
from Central America.*

7.

Mr. Clay to Mr. Salazar.

DEPARTMENT OF STATE,

Washington, 20th Dec. 1825.

SIR: During the last Spring I had the honor to state to you, that the Government of the United States had addressed that of Russia, with the view of engaging the employment of its friendly offices to bring about a peace, if possible, between Spain and the new American Republics, founded upon the basis of their independence; and the despatch from this Department, to the American Minister at St. Petersburg, having that object, was read to you. I have now the satisfaction to state, that it appears, by late advices just received from St. Petersburg, that this appeal to the Emperor of Russia has not been without good effect; and that there is reason to believe that he is now exerting his friendly endeavors to put an end to the war. The first would be naturally directed to his allies, between whom and his Imperial Majesty it was desirable that there should be, on that interesting subject, concurrence of opinion and concert in action. Our information from Europe authorizes the belief that all the great Powers are now favorably inclined towards peace; and that, separately or conjointly, they will give pacific counsels to Spain. When all the difficulties exterior to Spain, in the way of peace, are overcome, the

hope is confidently indulged, that those within the peninsula cannot long withstand the general wish. But some time is necessary for the operation of these exertions to terminate the war, and to ascertain their effect upon the Spanish Government.

Under these circumstances, the President believes that a suspension, for a limited time, of the sailing of the expedition against Cuba or Porto Rico, which is understood to be fitting out at Carthagena, or of any other expedition which may be contemplated against either of those Islands, by Colombia or Mexico, would have a salutary influence on the great work of peace. Such a suspension would afford time to ascertain if Spain, resisting the powerful motives which unite themselves on the side of peace, obstinately resolves upon a protraction of the war. The suspension is due to the enlightened intentions of the Emperor of Russia, upon whom it could not fail to have the happiest effect. It would also postpone, if not forever render unnecessary, all consideration which other Powers may, by an irresistible sense of their essential interests, be called upon to entertain of their duties in the event of the contemplated invasion of those Islands, and of other contingencies which may accompany or follow it. I am directed, therefore, by the President, to request that you will forthwith communicate the views here disclosed to the Government of the Republic of Colombia, which, he hopes, will see the expediency, in the actual posture of affairs, of forbearing to attack those Islands, until a sufficient time has elapsed, to ascertain the result of the pacific efforts which the great Powers are believed to be now making on Spain.

I seize, with pleasure, the occasion to renew to you assurances of my distinguished consideration.

H. CLAY,

Don JOSE MARIA SALAZAR, *Envoy Extraordinary*
and *Minister Plenipotentiary from Colombia.*

NOTE.—Same to Mr. Obregon, *mutatis mutandis.*

No. 8.

Don Jose Maria Salazar to the Secretary of State.

[TRANSLATION.]

LEGATION OF COLOMBIA,

New York, 30th December, 1825.

I have the honor to inform you that I have received the note of the 20th current, in which you are pleased to communicate to me the hopes of a favorable result to the good offices of His Majesty the Emperor of Russia with the great Powers of Europe, and with Spain, to put an end to the war of America. The Government of Colom-

bia, being informed by me of the instructions given to the American Minister at St. Petersburg, which you had the goodness to read to me last Spring, has seen, with the greatest satisfaction, this measure of real friendship, and love of humanity, of the Government of the United States; and charged me to declare its gratitude, as well as its anxiety for the continuance of those good offices with the other Powers of the Continent of Europe.

As to the views of the President of the United States, for suspending the invasion of the Islands of Cuba and Porto Rico, until the result is obtained of the mediation of the great Powers with Spain, I shall have the honor of transmitting them to my Government, by the first opportunity. Being able, in the mean time, to assure you, that neither, by official communications, nor by my private letters from Colombia, have I any knowledge relative to the expedition which is preparing at Carthagena. I am, consequently, inclined to believe that what is said upon that matter, is founded on vague conjecture, or, perhaps, on the convenience and opportunity of invasion. I ought, likewise, to add, in confirmation of my private opinion, that, as I have been informed, there are, at Carthagena, only the troops necessary to garrison the place, such as is requisite in these times, when new expeditions have sailed from the ports of the Peninsula, and are announced against America, and when the Spanish army in the Islands of Cuba and Porto Rico has been augmented. When the great facility is considered, of acting against the territory of Colombia or Mexico by the advantageous situation of said Islands, their great resources, and what is more important, the superiority of the Marine which has assembled there, it will not be denied that Colombia has sufficient causes of alarm. It is true, in support of said conjectures on the approaching invasion of Cuba and Porto Rico, the necessity presents itself, under which the Government of Colombia is, of withdrawing the auxiliary forces from Peru, by the way of Panama and Carthagena; which is the most convenient, ready, and economical way to place them on the Atlantic, in an attitude of giving immediate succour to any point of our territory, or of that of our allies, which may be invaded; but it is clear that this military operation is rather the necessary effect of the geographical situation of Colombia and Peru, than a meditated plan of an expedition without the continent.

To these reasons, which, in my private opinion, and for want of official communications from my Government upon the subject, sufficiently explain the movements of troops which are going on in Colombia, permit me to repeat to you what I said upon another occasion, that this military attitude, extremely grievous to our people, is a necessary consequence of the obstinacy of the Spanish Government, in prolonging a useless war, and in declining every idea of treating with Independent America, no less than the lamentably equivocal policy of the great Continental Powers, which, notwithstanding they see our independence irrevocably established by force of arms, and upon the solid basis of general opinion, and of just and moderate Governments, refuse the formal recognition of the new Republics, pretending to misunderstand what their own interest, justice, reason,

and humanity, demand. In this situation of justly inspired doubt and inquietude, when the obstinacy of Spain, and the indifference of the rest of Europe, have convinced us even that we are engaged in a question of fact, when the nations of America have displayed all the vigor of youth, and know the value of their forces and combined resources, and when our armies have gloriously terminated the campaign which has forever secured the liberty of the South, it will not appear to many, reasonable to renounce all these favorable circumstances to terminate at once the evils of war, and dictate conditions of peace, with the manifest advantage of the American system, in the absolute expulsion of one European nation from the important Islands of Cuba and Porto Rico, which, in the precarious and miserable situation of Spain, are not without the possibility of falling into the power of some of the great Powers of Europe.

It will appear even less reasonable that Colombia and her allies should have to continue in a state of inaction, enduring the heavy expenses, and grievous inconveniences which accompany the maintenance of the army and the marine upon a war footing, not being able to rely upon a guarantee of suspension from armaments and attacks on the part of Spain, which, in spite of its nullity, does not cease in its efforts to augment the army of America, so far as to induce us to suspect that a foreign hand affords these aids, which are by no means in harmony with the scantiness of the resources of the Peninsula.

I can likewise assure you that my Government has always regarded, with all due circumspection, the consequences which might result from an ill-directed expedition against Cuba and Porto Rico; and notwithstanding the urgent necessity which it has had, to attack the head quarters, (if I may so speak,) of our enemies, and the opportunity which, oftener than once, has presented itself for that purpose, it has preferred to suffer repeated invasions from those Islands, waiting for the favorable moment to attack them with a certainty of success, by the greater forces which the alliance of all the sections of the South and Mexico will procure to us, and by the state, every day advancing, of the opinion for independence in the inhabitants of said Islands, who have repeatedly implored our aid; by this prudent slowness, it has wished to give time to the Spanish Government to reflect upon its own interest, and, consequently, to take the just resolution of recognizing the independence of the States of the Continent to save the rest of her colonies; but the time has passed in vain, and Spain, in spite of the repeated reverses which she has suffered in the course of this year, shows herself as proud and indignant at every idea of accommodation as at the commencement of the contest. Already a plan of conciliation has been seen inadmissible by the independent States, presented by the Minister Zea, in which were proposed some slight modifications of the ancient colonial regimen, and which, however, were rejected by King Ferdinand, as too liberal.

In fine, by the same risks and lamentable consequences which would happen from the invasion of Cuba and Porto Rico, if the result is not secured by the combination of superior forces, at least, of

the nations most interested, Colombia and Mexico, and the plan of operations for this campaign be regulated by common consent, I think that the fortune of said Islands must be decided in the Congress of the Isthmus of Panama, which gives time sufficient to receive positive accounts of the final result of the good offices of His Majesty the Emperor of Russia; and I doubt not, that, in attention to the friendship which His Imperial Majesty professes to the United States, which have requested his high mediation, and the glory of attributing to the great work of peace, a boon so important will be obtained, or the recognition of our political existence by Russia and the other Powers, which is the object of the most ardent desires of the new Governments of America.

I have the honor to offer you the sentiments of the most distinguished consideration, with which I am,

Your very obedient servant,

JOSE MARIA SALAZAR.

Honorable HENRY CLAY, *Secretary of State*,

9.

[TRANSLATION.]

Don Pablo Obregon to the Secretary of State.

LEGATION OF THE UNITED STATES OF MEXICO.

Washington, 4th January, 1826.

SIR: I have the honor of answering your note of the 20th ultimo, in which you communicate to me the favorable hope of a happy issue of the negotiation undertaken by this Government with the Russian Cabinet, through its Minister at St. Petersburg, to solicit of His Imperial Majesty his interposition in promoting peace between Spain and the Powers of the American Continent, formerly a part of that Monarchy; and in using his influence with his allies towards a general recognition; all of which you communicated to me in the month of May last, by reading to me the instructions which had been given, to that effect, to the American Minister near His Imperial Majesty. I imparted to my Government a step so friendly and agreeable to the philanthropy and position of these States; and although I have as yet received no answer thereto, I repeat to you what I had the honor to mention verbally, that Mexico was only desirous of peace, and that I acknowledged to this Government its interest and mode of acting in the cause of the Continent and of liberty.

I shall make known to my Government the wishes of the President, that any other expedition be suspended which may be projected, as well as that which is said to be fitting out at Carthagena, to assist the independence of, one or both, the Islands of Cuba and Porto Rico, as the means best adapted to obtain the negotiation mentioned.

I avail myself of this occasion to present to you my respects and most distinguished consideration, repeating myself to be,

Your obedient servant,

PABLO OBREGON.



[Doc. No. 129.]

10.

TREATY BETWEEN COLOMBIA AND CHILE.

[TRANSLATION.]

Francisco de Paula Santander, of the Liberators of Venezuela and Cundinamarca, decorated with the cross of Boyacá, General of Division of the Armies of Colombia, Vice President of the Republic, charged with the Executive power, &c. &c. &c.

To all who shall see these presents, greeting:

Whereas there has been concluded and signed, in the City of Santiago de Chile, on the twenty-first day of October, in the year of Grace one thousand eight hundred and twenty-two, between the Republic of Colombia and the State of Chile, by means of Plenipotentiaries sufficiently authorized by both parties, a treaty of perpetual union, league, and confederation, the tenor whereof is, word for word, as follows:

In the name of God, the Author and Legislator of the Universe: The Government of the Republic of Colombia, on the one part, and on the other that of the State of Chile, animated with the most sincere desire of putting a speedy termination to the calamities of the present war, to which they have been incited by the Government of His Catholic Majesty, the King of Spain, by effectually co-operating, for so important an object, with all their influence, resources, and forces, by sea and land, to secure forever to their respective people, subjects, and citizens, the precious enjoyments of their internal tranquillity, of their liberty and national independence: and his excellency the Liberator, President of Colombia, having, for that purpose, conferred full powers upon the honorable Joaquin Mosquera and Arbolida, member of the Senate of the Republic of the same name; and his excellency the Supreme Director of the State of Chile, upon his Ministers of State in the Departments of Government and Foreign Relations, D. Joaquin de Echeverría, and in those of Finance and War, D. José Antonio Rodríguez; they, after having exchanged, in good and due form, the said powers, have agreed on the following articles:

ARTICLE 1. The Republic of Colombia and the State of Chile are united, bound, and confederated, in peace and war, to maintain with their influences and forces, by sea and land, as far as circumstances permit, their independence of the Spanish nation, and of any other foreign domination whatsoever, and to secure, after that is recognized, their mutual prosperity, the greatest harmony and good understanding, as well between their people, subjects, and citizens, as with other Powers with which they may enter into relations.

ARTICLE 2. The Republic of Colombia and the State of Chile, therefore, voluntarily promise and contract a league of close alliance

and firm and constant friendship, for the common defence, for the security of their independence and liberty, for their reciprocal and general good, and for their internal tranquillity, obliging themselves to succor each other, and to repel, in common, every attack or invasion which may, in any manner, threaten their political existence.

ARTICLE 3. In order to contribute to the objects pointed out in the foregoing articles, the Republic of Colombia binds itself to assist, with the disposable sea and land forces, of which the number, or its equivalent, shall be fixed at a meeting of Plenipotentiaries.

ARTICLE 4. The State of Chile shall also contribute, with the disposable sea and land forces, of which the number, or its equivalent, shall be likewise fixed at the said meeting.

ARTICLE 5. In cases of sudden invasion, both parties shall be empowered to act in a hostile manner in the territories of the dependence of either, whenever circumstances of moment prevent their acting in concert with the Government to which the sovereignty of the invaded territory belongs. But the party so acting shall fulfil, and cause to be fulfilled, the statutes, ordinances, and laws, of the respective States, so far as circumstances permit, and cause its Government to be respected and obeyed. The expenses which shall be incurred in these operations, and others which may be incurred in consequence of the third and fourth articles, shall be liquidated by separate Conventions, and shall be made good one year after the conclusion of the present war.

ARTICLE 6. To secure and perpetuate, in the best mode possible, the good friendship and correspondence between both States, their subjects and citizens, they shall have free entrance and departure in their ports and territories, and shall enjoy there all the civil rights and privileges of trade and commerce, being subjected only to the duties, imposts, and restrictions, to which the subjects and citizens of each of the contracting parties shall be subject.

ARTICLE 7. In virtue hereof, the vessels and territorial productions of each of the contracting parties shall pay no higher duties of importation, exportation, anchorage, and tonnage, than those established, or to be established, for those of the Nation in the ports of each State, according to the existing laws; that is to say, that the vessels and productions of Colombia shall pay the duties of entering and departure in the ports of the state of Chile as Chileans, and those of the state of Chile as Colombians in those of Colombia.

ARTICLE 8. Both contracting parties oblige themselves to furnish what assistance may be in their power to the ships of war and merchant vessels that may come to the ports belonging to them on account of damage or for any other cause, and as such they shall be empowered to careen, repair, provision, arm, augment their armament and their crews, so as to enable them to continue their voyages or cruises at the expense of the state or individuals to whom they belong.

ARTICLE 9. In order to avoid the scandalous abuses which may be caused by privateers armed on account of individuals to the injury of the national commerce, and neutrals, both parties agree in extending

the jurisdiction of their maritime courts to the privateers which sail under the flag of either, and their prizes indiscriminately, whenever they are unable to sail easily to the ports of their destination, or when there are appearances of their having committed excesses against the commerce of neutral nations, with whom both states are desirous of cultivating the greatest harmony and good understanding.

ARTICLE 10. If by misfortune the internal tranquillity be disturbed in any part of the states mentioned, by men turbulent, seditious, and enemies of the governments lawfully constituted by the voice of the people, freely, quietly and peaceably expressed in virtue of their laws, both parties solemnly and formally bind themselves to make common cause against them, assisting each other with whatever means are in their power, till they obtain the re-establishment of order and the empire of their laws.

ARTICLE 11. If any person guilty, or accused of treason, sedition, or other grievous crime, flee from justice and be found in the territory of any of the states mentioned, he shall be delivered up and sent back at the disposal of the government which has cognizance of the crime, and in whose jurisdiction he ought to be tried, as soon as the offended party has made his claim in form. Deserters from the national armies and marine of either party are also comprehended in this article.

ARTICLE 12. To draw more closely the bonds which ought in future to unite both states, and to remove any difficulty which may present itself, or interrupt in any manner their good correspondence and harmony, an assembly shall be formed, composed of two plenipotentiaries for each party, in the same terms, and with the same formalities, which, in conformity to established usages, ought to be observed, for the appointment of the ministers of equal class near the governments of foreign nations.

ARTICLE 13. Both parties oblige themselves to interpose their good offices with the governments of the other states of America, formerly Spanish, to enter into this compact of union, league, and confederation.

ARTICLE 14. As soon as this great and important object has been attained, a general assembly of the American states shall be convened, composed of their plenipotentiaries, with the charge of cementing in the most solid and stable manner, the intimate relations which ought to exist between all and every one of them, and who may serve as a council in the great conflicts, as a rallying point in the common dangers, as a faithful interpreter of their public treaties when difficulties occur, and as an umpire and conciliator in their disputes and differences.

ARTICLE 15. The republic of Colombia and the state of Chile bind themselves cheerfully to afford to the plenipotentiaries who may compose the assembly of the American states, all the aids which hospitality among brotherly people, and the sacred and inviolable character of their persons demand, whenever the plenipotentiaries shall choose their place of meeting in any part of the territory of Colombia or that of Chile.

ARTICLE 16. This compact of union, league, and confederation, shall in no wise interrupt the exercise of the national sovereignty of each of the contracting parties, as well as to what regards their laws, and the establishment and form of their respective governments, as to what regards their relations with other foreign nations. But they expressly and irrevocably bind themselves not to yield to the demands of indemnifications, tributes, or exactions, which the Spanish government may bring for the loss of her ancient supremacy over these countries, or any other nation whatever in her name and stead, nor enter into any treaty with Spain, or any other nation, to the prejudice and diminution of this independence, maintaining on all occasions and in all places their reciprocal interests, with the dignity and energy of nations free, independent, friendly, brotherly, and confederated.

ARTICLE 17. This treaty, or convention of amity, league, and confederation, shall be ratified within the third day by the government of the state of Chile, with the advice of the honorable National Convention, in conformity to article 4th, chapter 3d, title 3d, of the provisional Constitution, and by that of the republic of Colombia as soon as it can obtain the approbation of the Senate, in virtue of the resolution by the law of Congress, of 13th October, 1821: and in case, by any accident, it cannot assemble, it shall be ratified in the next Congress, agreeably to the provision of the Constitution of the republic, in article 55, section 18. The ratifications shall be exchanged without delay, and in the period which the distance that separates both governments permits.

In faith whereof, the respective plenipotentiaries have signed these presents, and sealed them with the seals of the states which they represent.

Done in the City of Santiago de Chil , on the twenty-first day of the month of October, in the year of Grace one thousand eight hundred and twenty-two, twelfth of the independence of Colombia, thirteenth of the liberty of Chile, and fifth of its independence.

[L. s.]

JOAQUIN MOSQUERA.

[L. s.]

JOAQUIN DE ECHEVERRIA,
JOSE ANTONIO RODRIGUEZ.

ADDITIONAL ARTICLE.

The honorable National Convention of Chile having terminated its sessions on the 23d day of October last, and not having, on that account, had time sufficient for the discussions by which the present treaty ought to be ratified in the time which was agreed upon by the 17th article, and the honorable minister plenipotentiary of Colombia having proposed to their excellencies the ministers plenipotentiary of Chile, that a new period for the ratifications should be appointed, they consulted the most excellent Supreme Court of Representatives, with whose consent they have agreed with the honorable minister plenipotentiary of Colombia on the following article:

The present treaty, concluded in Santiago de Chil , on the 21st of October, 1822, shall be ratified in the space of four months, which shall be counted from this day, or sooner if possible, and the ratifications shall be exchanged without delay in the time which the distance that separates both governments permits.

In faith whereof, the respective plenipotentiaries sign this, and seal it with the seals of the governments which they represent.

Done at Santiago de Chil , the twentieth of November, of the year of Grace one thousand eight hundred and twenty-two, twelfth of the independence of Colombia, and fifth of that of Chile.

[L. s.]

JOAQUIN MOSQUERA.

[L. s.]

JOAQUIN DE ECHEVERRIA.

JOSE ANTONIO RODRIGUEZ.

Therefore, having seen and examined the said treaty of union, league, and confederation, the consent and approbation of the Congress of the republic being first had, agreeably to article 55, section 18, of the Constitution—I make use of the power conferred upon me by the 120th article of the same Constitution in ratifying it, and by these presents I ratify it and hold it as valid, grateful, and firm, in all its articles and clauses, with the exception of the words; and for *their internal tranquillity*, of article 2d; all those which the 10th article expresses, and those which follow of the 11th article, to wit: *If any person guilty, or accused of treason, sedition, or other grievous crime, flee from justice and be found in the territory of any of the states mentioned, he shall be delivered up and sent back to the disposal of the government which has cognizance of the crime, and in whose jurisdiction he ought to be tried, as soon as the offended party has made his claim in form.* And for its fulfilment and exact observance on our part, I solemnly engage and compromit the national honor. In faith whereof, I have caused issue these presents, signed with my hand, sealed with the great seal of the republic, and countersigned by the Secretary of State and of the Despatch of Foreign Relations, in the Capital of Bogota, the twelfth of July, of the year of Grace one thousand eight hundred and twenty-three, thirteenth of our independence.

FRANCISCO DE P. SANTANDER.

By his excellency the Vice-President of the Republic, charged with the Executive power:

The Secretary of State for Foreign Relations,

PEDRO GUAL.

11.

TREATY BETWEEN COLOMBIA AND PERU.

[TRANSLATION.]

Francisco de Paula Santander, of the liberators of Venezuela and Cundinamarca, decorated with the Cross of Boyacá, general of division of the armies of Colombia, Vice President of the Republic, charged with the Executive power, &c. &c. &c.

To all who shall see these presents, greeting :

Whereas there has been concluded and signed, between the Republic of Colombia and the state of Peru, a Treaty additional to that of perpetual union, league, and confederation, on the sixth day of July, of the year of Grace one thousand eight hundred and twenty-two, by means of Plenipotentiaries sufficiently authorized by both parties, the tenor whereof, word for word, is as follows:

In the name of God, the Sovereign Ruler of the Universe:

The Government of the Republic of Colombia on the one part, and on the other that of the state of Peru, animated with the most sincere desires of terminating the calamities of the present war, to which they have been provoked by the Government of His Catholic Majesty, the King of Spain, determined with all their resources and forces by sea and land to maintain effectually their liberty and independence, and desirous that this league be general between all the states of the America, formerly Spanish, that united, strong, and powerful, they may maintain in common the cause of their independence, which is the primary object of the present contest, have appointed Plenipotentiaries to discuss, arrange, and conclude a Treaty of union, league, and confederation, to wit:

His Excellency the Liberator, President of Colombia, the Honorable Joaquin Mosquera, member of the Senate of the Republic of the same name; and his Excellency the Supreme Delegate of the state of Peru, the most illustrious and honorable Colonel Dn. Bernardo Montecagudo, Counsellor and Minister of State and Foreign Relations, Founder and Member of the great Council of the order of the Sun, and Secretary thereof, decorated with the medal of the liberator army, Superintendent of the finances of the General Post Office, and President of the Patriotic Society: who, after having exchanged their full powers, found in good and due form, have agreed on the following articles:

1st. To draw more closely the bonds which ought in future to unite both states, and to remove any difficulty which may present itself, and interrupt, in any manner, their good correspondence and harmony, an assembly shall be formed composed of two Plenipotentiaries for each party, in the terms, and with the same formalities, which, in conformity to established usages, ought to be observed, for the appointment of the Ministers of equal class near the governments of foreign nations.

2d. Both parties oblige themselves to interpose their good offices with the governments of the other states of America, formerly Spanish, to enter into this compact of perpetual union, league, and confederation.

3d. As soon as this great and important object has been attained, a general assembly of the American states shall be convened, composed of their Plenipotentiaries, with the charge of cementing, in a manner the most solid, and of establishing the intimate relations which ought to exist between all, and every one of them, and who may serve as a council in the great conflicts, as a rallying point in the common dangers, as a faithful interpreter of their public treaties when difficulties occur, and as an umpire and conciliator in their disputes and differences.

4th. The Isthmus of Panama being an integral part of Colombia, and the most adequate for that august assembly, this Republic cheerfully obliges itself to afford to the Plenipotentiaries who may compose the assembly of the American States, all the aids which hospitality, among brotherly people, and the sacred and inviolable character of their persons demand.

5th. The state of Peru, from this time, contracts the same obligation, whenever, by the casualties of the war, or by the consent of the majority of the American States, the said assembly may meet in the territory of its dependence, in the same terms as the Republic of Colombia has obliged itself in the former article; as well with respect to the Isthmus of Panama, as any other point of its jurisdiction, which may be believed for the purpose to this most interesting end, by its central position between the states of the North and of the South of this America, formerly Spanish.

6th. This compact of perpetual union, league, and confederation, shall in no wise interrupt the exercise of the national sovereignty of each of the contracting parties, as well as to what regards their laws, and the establishment and form of their respective governments, as with respect to their relations with other foreign nations. But they expressly and irrevocably bind themselves not to accede to the demands of tributes or exactions which the Spanish Government may bring for the loss of her ancient supremacy over these countries, or any other nation whatever, in her name and stead, nor enter into any treaty with Spain, or any other nation, to the prejudice and diminution of this independence, maintaining, on all occasions, and in all places, their reciprocal interests, with the dignity and energy of nations, free, independent, friendly, brotherly, and confederated.

7th. The Republic of Colombia specially obliges itself to raise and maintain on foot, a force of four thousand men, armed and equipped, in order to concur in the objects pointed out in the preceding articles. Her national marine, whatever it may be, shall be also directed to the fulfilment of those stipulations.

8th. The state of Peru shall contribute on its part with its maritime forces, whatever they may be, and with an equal number of troops as the Republic of Colombia.

9th. This treaty shall be ratified by the government of the state of Peru in the space of ten days, and approved by the next constituent Congress, if in the time of their sessions they should think good to publish it; and by that of the Republic of Colombia as soon as the approbation of the Senate can be obtained, according to the provision of the law of Congress of 13th October, 1821; and if, by some occurrence, it be not extraordinarily assembled, it shall be ratified in the next Congress, agreeably to the resolution of the Constitution of the Republic in article 55, sec. 18. The ratifications shall be exchanged without delay, in the space which the distance separating both Governments permits.

In faith whereof, the respective Plenipotentiaries have signed this, and sealed it with the seals of the States which they represent.

Done in the city of the Free of Lima, the sixth of July, of the year of Grace one thousand eight hundred and twenty-two, twelfth of the independence of Colombia, and third of that of Peru.

[L. s.]
[L. s.]

BERNARDO MONTEAGUDO.
JOAQUIN MOSQUERA.

Therefore, having seen and examined the said additional treaty of perpetual union, league, and confederation, the consent and approbation of the Congress of the Republic being previously had, agreeably to sect. 18, of the 55th art. of the Constitution, I make use of the power which the 120th article of the same Constitution grants me in ratifying it, as by these presents I ratify it, and hold it as valid, grateful, and firm, and for its fulfilment and exact observance, I solemnly engage and compromit the honor of the Republic. In faith whereof, I have caused issue these presents, signed with my hand, sealed with the great seal of the Republic, and countersigned by the Secretary of State, and the Despatch of Foreign Relations, in the city of Bogota, the twelfth of July, in the year of Grace one thousand eight hundred and twenty-three, thirteenth of independence.

[L. s.]

FRANCISCO DE P. SANTANDER.

By His Excellency the Vice President of the Republic, charged with the Executive power.

PEDRO GUAL.

12.

COLOMBIA AND GUATEMALA.

[TRANSLATION.]

Treaty of perpetual union, league, and confederation, between the Republic of Colombia and the United Provinces of Central America.

The Republic of Colombia, and the United Provinces of Central America, desirous of putting a speedy termination to the calamitous

war in which they are engaged with the King of Spain; and both contracting powers being disposed to unite all their resources, with their naval and land forces, and to identify their principles and interests in peace and war, have resolved to form a treaty of perpetual Union, League, and Confederation, which shall forever secure to them the advantages of liberty and independence.

For this desirable object, PEDRO GUAL, Minister of Foreign Relations of the Republic of Colombia, and PEDRO MOLINA, Plenipotentiary of the United Provinces of Central America, being respectively furnished with full powers, and in due form, have agreed to the following articles:

1. The Republic of Colombia, and the United Provinces of Central America, bind themselves to a perpetual Union, League, and Confederation, in peace and war, to defend their independence of the Spanish nation, and every other, by naval and land forces, and thus to secure their mutual prosperity, to promote harmony and good intelligence with each other, and with other nations.

2. The Republic of Colombia, and the Provinces of Central America, therefore, promise, and freely contract, a firm and constant friendship, and a permanent alliance, which shall be intimate and binding for their common defence, the security of their independence and liberty, and for their reciprocal and general good. they oblige themselves mutually to aid in repelling every attack or invasion from the enemies of either, that may in anywise affect their political existence.

3. That the objects contemplated by the preceding articles may be carried into effect, the Republic of Colombia engages to aid the United Provinces of Central America with that amount of its disposable naval and land forces, which shall be determined by the Congress of Plenipotentiaries, to be mentioned hereafter.

4. The United Provinces of Central America shall, in like manner, aid the Republic of Colombia with their disposable naval and land forces, or its equivalent, which shall be fixed by the aforesaid Congress.

5. The contracting parties guaranty, mutually, the integrity of their respective territories, as they existed prior to the present war of independence, against the designs and invasions of the subjects of the King of Spain and his adherents.

6. In case, therefore, of sudden invasion, each party shall be at liberty to act against the enemy, within the territory of the other, whenever circumstances will not allow of a communication with the government to which the sovereignty of the country invaded belongs. But the party so acting shall observe, and cause to be observed, the statutes, ordinances, and laws, of the State, as far as circumstances may permit; and cause its government to be respected and obeyed. The expenses of these operations, and whatever may be incurred in consequence of articles third and fourth, shall be settled by separate conventions, and paid one year after the conclusion of the present war.

7. The Republic of Colombia, and the United Provinces of Central

America, promise, and oblige themselves, formally, to respect the limits of each other as they now exist; and agree, as soon as circumstances will permit, to settle, in a friendly manner, by a special convention, the line of demarcation between the two States, or whenever one of the parties shall be disposed to enter on this negotiation.

8th. To facilitate the progress and happy termination of the negotiation about limits, as in the preceding article, both parties shall be at liberty to appoint commissioners, who shall survey the whole frontier, for the purpose of fixing the boundary line. The local authorities shall not offer them the least obstruction, but shall, on the contrary, furnish every protection and aid for the proper execution of their object; provided they exhibit the passport of their Governments, authorizing their operations.

9th. The contracting parties, desirous, in the mean time, of providing against the evils that might arise to both, from unauthorized colonies of adventurers, on that part of the Mosquito shore, between Cape Gracias a Dios and the River Chagres, promise, and oblige themselves to employ their naval and land forces against any individual or individuals, who shall attempt to form establishments on the above coast, without having previously obtained permission from the Government to which it may belong.

10th. To make the union and alliance contracted by the present Convention more intimate and close, it is moreover stipulated and agreed, that the citizens and inhabitants of each state shall have free entrance to, and departure from, the ports and territories of the other, and shall enjoy therein all the civil rights and privileges of traffic and commerce; but they shall be subject to the same duties, imposts, and restrictions, as the citizens and inhabitants of the state themselves.

11th. In consequence of this, their vessels and cargoes, composed of productions or merchandise, domestic or foreign, and registered at the custom-houses of either of the contracting parties, shall not pay, in the ports of the other, greater duties of importation, exportation, anchorage, or tonnage, than those already established, or which may be established for its own vessels and cargoes; that is to say, vessels and cargoes from Colombia shall pay the same duties of importation, exportation, anchorage, and tonnage, in the ports of the United Provinces of Central America, as if they belonged to these United Provinces; and those from the United Provinces of Central America shall pay, in the ports of Colombia, the same duty as Colombians.

12th. The contracting parties oblige themselves to afford every aid in their power to the merchant and national vessels of each other that may go into port to repair any damages they may have received. They shall there be at liberty to refit, increase their armaments and crews, so as to be able to continue their voyage or cruise. The expense of these repairs shall be sustained by the state or individuals to which they may belong.

13th. To suppress the shameful abuses that may be committed on the high seas, by armed privateers, upon neutrals and the national commerce, the contracting parties agree to extend the juris-

diction of their maritime courts to the privateers, and their prizes, of each other indiscriminately, whenever they shall not be able to reach the port of their departure, or suspicions may be excited of their having committed abuses against the commerce of neutral nations, with whom both states desire to cultivate lasting harmony and good intelligence.

14th. To prevent all disorder in the army and navy of each other, the contracting parties moreover agree, that, if any soldiers or sailors shall desert from the service of one to the territory of the other, even if the latter belong to merchant vessels, they shall be immediately restored by the tribunal or authority within whose jurisdiction they may be found; provided, the reclamation of the commander, or of the captain of the vessel, as the case may be, shall previously be made, giving a description of the individual or individuals, with their names, and that of the corps or vessel from which they may have deserted. Until the demand be made, in form, they shall be confined in the public prisons.

15th. To cement the bonds of future union between the two States, and remove every difficulty that may occur to interrupt their good correspondence and harmony, there shall be formed a Congress, composed of two Plenipotentiaries from each contracting party, who shall be appointed with the same formalities as are required by established usages in the commission of ministers of equal character among other nations.

16th. The contracting parties oblige themselves to interpose their good offices with the other *ci-devant* Spanish States of America, to induce them to unite in this compact of perpetual union, league, and confederation.

17th. As soon as this great and important object shall be accomplished, a general Congress shall be assembled, composed of Plenipotentiaries from the American States, for the purpose of establishing, on a more solid basis, the intimate relations which should exist between them all, individually and collectively, and that it may serve as a council in great events, as a point of union and common danger, as a faithful interpreter of public treaties when difficulties may arise, and as an arbitrator and conciliator in their disputes and differences.

18th. This compact of union, league, and confederation, shall not affect, in any manner, the exercise of the national sovereignty of the contracting parties, in regard to their laws and the establishment and form of their respective Governments, nor in regard to their relations with other nations; but they bind themselves, irrevocably, not to accede to any demands of indemnity or tribute from the Spanish Government, or any other in its name, for the loss of its supremacy over these countries. They also bind themselves not to enter into any treaty with Spain, or any other nation, that shall in the least prejudice their independence, but to maintain their mutual interests on all occasions, with the dignity and energy of free, independent, friendly, and confederate nations.

19th. As the Isthmus of Panama is an integral part of Colombia, and the point best suited for this august assembly, this Republic freely engages to afford to the Plenipotentiaries of the American States composing it all the attentions which are required by hospitality among sister States, and by the sacred and inviolable character of their persons.

20th. The United Provinces of Central America oblige themselves, in like manner, whenever the events of war, or by the voice of a majority of the American States, the Congress shall assemble within their territory, at the Isthmus of Panama, or any point of their territory which, from its central position, between the States of North and South America, may be fixed on as best suited for this most interesting object.

21st. The Republic of Colombia and the United Provinces of Central America, desirous of avoiding all interpretation contrary to their intentions, declare, that any advantages which either power may gain from the preceding stipulations, are, and shall be, considered as compensation for the obligations they contract in the present compact of perpetual union, league, and confederation.

22d. The present perpetual treaty of union, league, and confederation shall be ratified by the President or Vice President of the Republic of Colombia, charged with the executive power, with the consent and approbation of the Congress, within thirty days; and by the Government of the United Provinces of Central America, as early as possible, regarding the distance; and the ratifications shall be exchanged in the city of Guatemala, within six months from the date hereof, or sooner, if possible.

In faith of which, we, the Plenipotentiaries of the Republic of Colombia, and of the United Provinces of Central America, have signed and sealed the present, in the city of Bogota, on this fifteenth day of March, in the year of our Lord 1825, fifteenth of Colombian Independence, and fifth of that of the United Provinces of Central America.

[L. s.]
[L. s.]

PEDRO GUAL,
PEDRO MOLINA.

Ratified by the Vice President of Colombia, Francisco De P. Santander, on the twelfth day of April, 1825, and fifteenth of Independence, with the previous consent and approbation of the Congress.

COLOMBIA AND MEXICO.

Treaty of perpetual Union, League, and Confederation, between Colombia and Mexico, published at the City of Mexico, on the 20th of September, 1825.

The Government of the Republic of Colombia, on the one part, and that of Mexico, on the other, sincerely desirous of terminating the evils of the present war, into which they have been forced by the King

of Spain, and having determined to employ their whole naval and land forces in defence of their liberty; and anxious, also, that this league should be general among all the States of Spanish America, that they may contribute their united strength and resources to maintain the common cause of their independence, have appointed Plenipotentiaries, who have concluded the following treaty of union, league, and confederation:

ARTICLE 1. The Republics of Colombia and Mexico unite, league, and confederate, forever, in peace and war, to maintain, with their naval and land forces, as far as circumstances may permit, their independence of Spain and all other foreign dominion; and, after the recognition of their independence, to assure their mutual prosperity, harmony, and good intelligence, both among their people and citizens, and the States with which they may institute relations.

ARTICLE 2. The Republics of Colombia and Mexico, therefore, enter into, and mutually form, a perpetual compact of alliance, and firm and constant friendship, for their common defence, obliging themselves to aid each other, and mutually repel any attack or invasion that may, in any manner, menace the security of their independence and liberty, affect their interests, or disturb their peace: Provided, that, in the last case, requisition be made by one or other of two Governments legally established.

ARTICLE 3. To effect the objects of the preceding article, the contracting parties promise to aid each other with the amount of land forces that may be fixed upon by special conventions, as the circumstances may demand, and during the continuance of the occasion.

ARTICLE 4. The military navy of both contracting parties shall also be in fulfilment of the preceding convention.

ARTICLE 5. In cases where aid is suddenly required, each party shall operate against the enemy with all the disposable forces within the territories of the other, if time be not allowed for concert between both governments. But the party thus operating shall observe the laws and ordinances of the State, as far as circumstances may permit, and shall respect and obey its Government. The expenses thus incurred, shall be fixed by separate conventions, and paid one year after the conclusion of the present war.

ARTICLE 6. The contracting parties oblige themselves to furnish whatever assistance they may be able, to the military and mercantile vessels arriving at the ports of each other, from distress or other cause; and they shall have power to repair, refit, provision, arm, and increase their armament and crews, so as to be able to continue their voyages or cruises, at the expense of the State or individuals to whom they may belong.

ARTICLE 7. To avoid abuses, by armed privateers, of the commerce of the State, and that of neutrals, the contracting parties agree to extend the jurisdiction of the maritime courts of each other, to their privateers and prizes, indifferently, when they cannot readily ascertain their port of departure, and abuses shall be suspected of the commerce of neutral nations.

ARTICLE 8. The contracting parties mutually guaranty to each other the integrity of their respective territories, as they existed before the present war, recognizing, also, as part of this territory, what was not included in the Viceroyalties of Mexico and New Grenada, but is now a component part of it.

ARTICLE 9. The component parts of the territory of both parties shall be defined and recognized.

ARTICLE 10. If internal quiet should unfortunately be disturbed, in the territory of either party, by disorderly men and enemies of legal government, the contracting parties engage to make common cause against them, until order and the empire of law be re-established.—Their forces shall be furnished as provided by Articles 2 and 3.

ARTICLE 11. All persons taking arms against either Government, legally established, and fleeing from justice, if found within the territory of either contracting party, shall be delivered up, to be tried by the Government against which the offence has been committed. Deserters from the army and navy are included in this article.

ARTICLE 12. To strengthen the bonds of future union between the two States, and to prevent every interruption of their friendship and good intelligence, a Congress shall be formed, to which each party shall send two Plenipotentiaries, commissioned in the same form and manner as are observed towards Ministers of equal grade to foreign nations.

ARTICLE 13. Both parties oblige themselves to solicit the other *ci-devant* Spanish States of America to enter into this compact of perpetual union, league, and confederation.

ARTICLE 14. As soon as this important purpose shall have been attained, a general Congress of the American States shall assemble, composed of their Plenipotentiaries. Its object will be to confirm and establish intimate relations between the whole and each one of the States: it will serve as a council on great occasions; a point of union in common danger; a faithful interpreter of public treaties in cases of misunderstanding; and as an arbitrator and conciliator of disputes and differences.

ARTICLE 15. The Isthmus of Panama being an integral part of Colombia, and the most suitable point for the meeting of the Congress, this Republic promises to furnish to Plenipotentiaries of the Congress all the facilities demanded by hospitality among a kindred people, and by the sacred character of ambassadors.

ARTICLE 16. Mexico agrees to the same obligation, if ever, by the accidents of war, or the consent of a majority of the States, the Congress should meet within her jurisdiction.

ARTICLE 17. This compact of perpetual union, league, and confederation, shall not, in anywise, affect the exercise of the national sovereignty of either contracting party, in regard to its laws and form of government, or its foreign relations. But the parties bind themselves, positively, not to accede to any demand of indemnity, tribute, or impost from Spain, for the loss of her former supremacy over these countries, or from any other nation in her name. They also

agree not to enter into any treaty with Spain, or any other nation, to the prejudice of their independence; but to maintain, at all times, their mutual interests, with the dignity and energy proper to free, independent, friendly, and confederate states.

ARTICLE 18 Provides for the time of ratification of this treaty.

The foregoing treaty has been duly ratified,

GAUDALUPE VICTORIA.

By the President,

LUCAS ALAMAN.

14.

Mr. Clay to Mr. Middleton, dated

DEPARTMENT OF STATE,

May 10th, 1825.

SIR: I am directed by the President to instruct you to endeavor to engage the Russian Government to contribute its best exertions towards terminating the existing contest between Spain and her Colonies.

Among the interests which, at this period, should most command the serious attention of the nations of the old and new world, no one is believed to have a claim so paramount as that of the present war. It has existed, in greater or less extent, seventeen years. Its earlier stages were marked by the most shocking excesses, and, throughout, it has been attended by an almost incalculable waste of blood and treasure. During its continuance, whole generations have passed away, without living to see its close, whilst others have succeeded them, growing up from infancy to majority, without ever tasting the blessings of peace. The conclusion of that war, whatever and whenever it may be, must have a great effect upon Europe and America. Russia is so situated, as that, whilst she will be less directly affected than other parts of Christendom, her weight and her councils must have a controlling influence on its useless protraction or its happy termination. If this peculiar attitude secures her impartiality, it draws to it great responsibility in the decision which she may feel it proper to make. The predominance of the power of the Emperor is every where felt. Europe, America, and Asia, all own it. It is with a perfect knowledge of its vast extent, and the profoundest respect for the wisdom and the justice of the august personage who wields it, that his enlightened and humane councils are now invoked.

In considering that war, as in considering all others, we should look back upon the past, deliberately survey its present condition, and endeavor, if possible, to catch a view of what is to come. With respect to the first branch of the subject, it is, perhaps, of the least

practical importance. No statesman can have contemplated the colonial relations of Europe and continental America, without foreseeing that the time must come when they would cease. That time might have been retarded or accelerated, but come it must, in the great march of human events. An attempt of the British Parliament to tax, without their consent, the former British colonies, now these United States, produced the war of our Revolution, and led to the establishment of that independence and freedom which we now so justly prize. Moderation and forbearance, on the part of Great Britain, might have postponed, but could not have prevented, our ultimate separation. The attempt of Bonaparte to subvert the ancient dynasty of Spain, and to place on its throne a member of his own family, no doubt, hastened the independence of the Spanish colonies. If he had not been urged by his ambition to the conquest of the Peninsula, those colonies, for a long time to come, might have continued quietly to submit to the parental sway. But they must have inevitably thrown it off, sooner or later. We may imagine that a vast continent, uninhabited, or thinly peopled by a savage and untutored race, may be governed by a remote country, blessed with the lights and possessed of the power of civilization; but it is absurd to suppose that this same continent, in extent twenty times greater than that of the parent country, and doubling it in a population equally civilized, should not be able, when it chooses to make the effort, to cast off the distant authority. When the epoch of separation between a parent State and its colony, from whatever cause, arrives, the struggle for self-government, on the one hand, and for the preservation of power on the other, produces mutual exasperation, and leads to a most embittered and ferocious war. It is then that it becomes the duty of third Powers to interpose their humane offices, and calm the passions, and enlighten the councils, of the parties. And the necessity of their efforts is greatest with the parent country, whose pride, and whose wealth and power, swelled by the colonial contributions, create the most repugnance to an acquiescence in a severance which has been ordained by Providence.

In the war which has so long been raging between Spain and her colonies, the United States have taken no part, either to produce or to sustain it. They have been inactive and neutral spectators of the passing scenes. Their frankness forbids, however, that they should say that they have beheld those scenes with feelings of indifference. They have, on the contrary, anxiously desired that other parts of this continent should acquire and enjoy that Independence, with which, by the valor and the patriotism of the founders of their liberty, they have been, under the smiles of Heaven, so greatly blessed.

But, in the indulgence of this sympathetic feeling, they have not, for one moment, been unmindful of the duties of that neutrality which they had deliberately announced. And the best proof of the fidelity with which they have strictly fulfilled its obligations, is furnished in the fact, that, during the progress of the war, they have been unjustly accused by both parties, of violating their declared neutrality. But it is now of little consequence to retrace the causes, remote or proxi-

mate, of the revolt of the Spanish colonies. The great and much more important consideration which will no doubt attract the attention of his Imperial Majesty, is the present state of the contest. The principles which produced the war, and those which may be incorporated in the institutions of the new states, may divide the opinions of men. Principles, unhappily, are too often the subject of controversy. But notorious facts are incontestible. They speak a language which silences all speculation, and should determine the judgment and the conduct of States, whatever may be the school in which their rulers are brought up or practised, and whatever the social forms which they would desire to see established. And it is to the voice of such facts that Europe and America are now called upon, patiently to listen.

And in contemplating the present state of the war, what are the circumstances which must forcibly strike every reflecting observer? Throughout both continents, from the western limits of the United States to Cape Horn, the Spanish power is subdued. The recent decisive victory of Ayachuco has annihilated the last remains of the Spanish force. Not a foot of territory, in all that vast extent, owns the dominion, not a bayonet sustains the cause of Spain. The war, in truth, has ended. It has been a war between a contracted corner of Europe, and an entire continent; between ten millions of people, amidst their own extraordinary convulsions, fighting, at a distance, across an ocean of three thousand miles in extent, against twenty millions contending, at home, for their lives, their liberty, and their property. Henceforward, it will present only the image of a war between an exhausted dwarf, struggling for power and empire, against a refreshed giant, combating for freedom and existence. Too much confidence is reposed in the enlightened judgment of his Imperial Majesty, to allow of the belief, that he will permit any abatement of his desire to see such a war formally terminated, and the blessings of peace restored, from sympathies which he may feel, however strong, for the unhappy condition of Spain. These very sympathies will naturally lead his Imperial Majesty to give her the best and most friendly advice in her actual posture. And in what does that consist? His Imperial Majesty must be the exclusive, as he is the most competent judge. But it will not be deemed inconsistent with respect to inquire, if it be possible to believe that Spain can bring the new states again under her dominion? Where does the remotest prospect of her success break out? In Colombia, Mexico, or Peru? The reconquest of the United States by Great Britain would not be a more mad and hopeless enterprize than that of the restoration of the Spanish power on those continents. Some of the most considerable of the new states have established governments which are in full and successful operation, regularly collecting large revenues, levying and maintaining numerous and well appointed armies, and already laying the foundations of respectable marines. Whilst they are consolidating their institutions at home, they are strengthening themselves abroad by treaties of alliance among themselves, and of amity and commerce with foreign states. Is the vain hope indulged that intes-

time divisions within the new states will arise, which may lead to the recall of the Spanish power, as the Stuarts were recalled in England, and the Bourbons in France, at the close of their respective revolutions?

We should not deceive ourselves. Amidst all the political changes, of which the new states are destined to be the theatre, whatever party or power may be uppermost, one spirit will animate them all, and that is, an invincible aversion from all political connexion with Spain, and an unconquerable desire of independence. It could not be otherwise. They have already tasted the fruits of independence. And the contrast between what their condition now is, in the possession of free commerce, liberal institutions, and all the faculties of their country, and its population allowed full physical and moral development, and what it was, under Spain, cramped, debased, and degraded, must be fatal to the chimerical hope of that monarchy, if it be cherished, by any means whatever to re-establish her power. The cord which binds a colony to its parent country, being once broken, is never repaired. A recollection of what was inflicted and what was borne, during the existence of that relation, the pride of the former governing power, and the sacrifices of the interests of the colony to those of the parent, widen, and render the breach between them, whenever it occurs, perpetual. And if, as we may justly suppose, the embittered feelings excited by an experience of that unequal connexion, are in proportion to the severity of the parental rule, they must operate with irresistible force on the rupture which has taken place between Spain and her Colonies, since in no other instance has it been exerted with such unmitigated rigor.

Viewing the war as practically terminated, so far at least as relates to Spanish exertion on the continent, in considering the third branch of the inquiry which I proposed, let us endeavor to anticipate what may be expected to happen, if Spain obstinately perseveres in the refusal to conclude a peace. If the war has only a nominal continuance, the new Republics cannot disband their victorious armies without culpable neglect of all the maxims of prudence and precaution. And the first observation that occurs, is, that this protracted war must totally change its character and its objects. Instead of being a war of offensive operations, in which Spain has been carrying on hostilities in the bosom of the new States, it will become one to her of a defensive nature, in which all her future exertions must be directed to the protection and defence of her remaining insular possessions. And thus the Peninsula, instead of deriving the revenue and the aid so necessary to the revival of its prosperity, from Cuba and Porto Rico, must be further drained to succor those islands. For it cannot be doubted, that the new States will direct their combined and unemployed forces to the reduction of those valuable islands. They will naturally strike their enemy wherever they can reach him. And they will be stimulated to the attack by the double motive arising from the richness of the prize, and from the fact that those islands constitute the rendezvous of Spain, where are concentrated, and

from which issue, all the means of annoying them which remain to her. The success of the enterprize is by no means improbable. Their proximity to the islands, and their armies being perfectly acclimated, will give to the united efforts of the Republic great advantages. And, if with these be taken into the estimate the important and well known fact, that a large portion of the inhabitants of the islands is predisposed to a separation from Spain, and would therefore form a powerful auxiliary to the Republican arms, their success becomes almost certain. But even if they should prove incompetent to the reduction of the islands, there can be but little doubt that the shattered remains of Spanish commerce would be swept from the ocean. The advantages of the positions of Colombia and Mexico for annoying that commerce, in the Gulf of Mexico and the Carribbean Sea, must be evident from the slightest observation. In fact, Cuba is in the mouth of a sack, which is held by Colombia and the united Mexican States. And if, unhappily for the repose of the world, the war should be continued, the coasts of the Peninsula itself may be expected soon to swarm with the privateers of the Republics. If, on the contrary, Spain should consent to put an end to the war, she might yet preserve what remains of her former American possessions. And surely the retention of such islands as Cuba and Porto Rico is eminently worthy of serious consideration, and should satisfy a reasonable ambition. The possessions of Spain in the West Indies would be still more valuable than those of any other power. The war ended, her commerce would revive, and there is every reason to anticipate, from the habits, prejudices, and tastes of the new Republics, that she would find in the consumption of their population, a constantly augmenting demand for the produce of her industry, now excluded from its best markets. And her experience, like that of Great Britain with the United States, would demonstrate that the value of the commercial intercourse would more than indemnify the loss, whilst it is unburthened with the expense, incident to political connexion.

A subordinate consideration, which should not be overlooked, is, that large estates are owned by Spanish subjects, resident in Spain, which may possibly be confiscated, if the war be wantonly continued. If that measure of rigor shall not be adopted, their incomes must be greatly diminished, during a state of war. These incomes, upon the restoration of peace, or the proceeds of the sales of the estates, themselves, might be drawn to Spain, and would greatly contribute towards raising her from her present condition of embarrassment and languishment. If peace should be longer deferred, and the war should take the probable direction which has been supposed, during its further progress, other powers, not now parties, may be collaterally drawn into it. From much less considerable causes, the peace of the world has been often disturbed. From the vicinity of Cuba to the United States, its valuable commerce, and the nature of its population, their Government cannot be indifferent to any political change to which that island may be destined. Great Britain and France also have deep interests in its fortunes, which must keep them wide awake

to all those changes. In short, what European State has not much at stake, direct or indirect, in the destiny, be it what it may, of that most valuable of all the West India islands? The reflections and the experience of the Emperor, on the vicissitudes of war, must have impressed him with the solemn duty of all Governments to guard against even the distant approach of that most terrible of all scourges, by every precaution with which human prudence and foresight can surround the repose and safety of States.

Such is the view of the war between Spain and the new Republics, which the President desires you most earnestly, but respectfully, to present to his Imperial Majesty. From this view it is evident, that it is not so much for the new States themselves, as for Spain, that peace has become absolutely necessary. Their independence of her, whatever intestine divisions may, if intestine divisions shall yet unhappily await them, is fixed and irrevocable. She may, indeed, by a blind and fatal protraction of the war, yet lose more; gain, for her, is impossible. In becoming the advocate for peace, one is the true advocate of Spain. If the Emperor shall, by his wisdom, enlighten the councils of Spain, and bring home to them a conviction of her real interests, there can be no fears of the success of his powerful interposition. You are authorized, in that spirit of the most perfect frankness and friendship which have ever characterized all the relations between Russia and the United States, to disclose, without reserve, the feelings and the wishes of the United States, in respect to Cuba and Porto Rico. They are satisfied with the present condition of those Islands, now open to the commerce and enterprise of their citizens. They desire, for themselves, no political change in them. If Cuba were to declare itself independent, the amount and the character of its population render it improbable that it could maintain its independence.

Such a premature declaration might bring about a renewal of those shocking scenes of which a neighboring Island was the afflicting theatre. There could be no effectual preventive of those scenes, but in the guaranty, and in a large resident force of foreign Powers. The terms of such a guaranty, and the quotas which each should contribute, of such a force, would create perplexing questions of very difficult adjustment, to say nothing of the continual jealousies which would be in operation. In the state of possession which Spain has, there would be a ready acquiescence of those very foreign Powers, all of whom would be put into angry activity upon the smallest prospect of a transfer of those islands. The United States could not, with indifference, see such a transfer to any European Power. And if the new Republics, or either of them, were to conquer them, their maritime force, as it now is, or, for a long time to come, is likely to be, would keep up constant apprehensions of their safety. Nor is it believed that the new States desire, or will attempt the acquisition, unless they shall be compelled, in their own defence, to make it, by the unnecessary prolongation of the war. Acting on the policy which is here unfolded, the Government of the United States, although they

would have been justified to have seized Cuba and Porto Rico, in the just protection of the lives and the commerce of their citizens, which have been a prey to infamous pirates, finding succor and refuge in Spanish territory, have signally displayed their patience and moderation by a scrupulous respect of the sovereignty of Spain, who was herself bound, but has utterly failed, to repress those enormities.

Finally, the President cherishes the hope that the Emperor's devotion to peace, no less than his friendship for Spain, will induce him to lend the high authority of his name to the conclusion of a war, the further prosecution of which must have the certain effect of an useless waste of human life. No Power has displayed more solicitude for the repose of the world, than Russia, who has recently given the strongest evidence of her unwillingness to disturb it in the East, by unexampled moderation and forbearance. By extending to America the blessings of that peace which, under the auspices of his Imperial Majesty, Europe now enjoys, all parts of this continent will have grateful occasion for regarding him, as the United States ever have done, as their most potent and faithful friend.

This despatch is confided to your discretion, to be communicated, in extenso, or its contents disclosed in such other manner, to the Government of Russia, as shall appear to you most likely to accomplish its object.

I have the honor to be, Sir, with great respect, your obedient and very humble servant.

H. CLAY

15.

No. 49.—*Mr. Middleton to Mr. Clay.*

TO THE SECRETARY OF STATE, &c. &c. &c.

ST. PETERSBURG, 27th Aug. (8th Sept.) 1825.

SIR: I have the honor to forward herewith a copy of the answer of the Russian Secretary of State, to my note of 2d July last, by which I had communicated to this Government, *in extenso*, the instructions I had received by your despatch No. 1.

I think I am warranted in considering this answer to be, *in substance*, (when divested of diplomatic garb,) in every respect as favorable to the views developed in your despatch, as could possibly be expected to be given by this Government, standing in the predicament it now does. We are left to infer from it, that the proposal that the Emperor shall lend his aid towards the conclusion of the war between Spain and her Colonies, by interposing his good offices in the form of pacific counsel to the mother country, has been com-

municated to the Allied Cabinets, and I am fully of opinion, that the majority, if not the whole of them, will agree to it. If such should be the event, the Diplomatic Committee sitting at Paris will be instructed accordingly. The chief difficulty to be overcome will be in the Cabinet of the King of Spain, where it is understood that *all parties* are opposed to the independence of the Colonies. The necessity of the case, however, begins to be so crying, that a hope may be entertained that even there the counsels of wisdom may ere long be listened to. For obvious reasons we must not expect to learn, *officially*, that such advice, as that alluded to above, has been given, unless it should be attended to.

I have the honor to be, Sir, very faithfully, your very obedient servant.

HENRY MIDDLETON.

(a.)

Count Nesselrode to Mr. Middleton.

[TRANSLATION OF A PAPER WITH MR. MIDDLETON'S NO. 49.]

The undersigned, Secretary of State, directing the Imperial Administration of Foreign Affairs, hastened to submit to the Emperor the note with which Mr. Middleton, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, did the honor to address him, on the 2d July last, accompanying a copy of the despatch from Mr. Clay, in which that Minister, in the name of the Cabinet at Washington, urges the necessity of confirming the general peace, by terminating the contest of the Spanish Colonies against the government of his Catholic Majesty; of securing to Spain the peaceful possession of the islands of Cuba and Porto Rico; and of effecting these objects by the impartial intervention of Russia.

The principles of the Emperor were sufficiently known to the government of the United States, to justify the perfect confidence that in expressing a wish for the continuance and confirmation of the peace enjoyed by the world, it did but represent the most sincere desire of his Imperial Majesty, that, in professing a generous solicitude for the rights of Spain, over her Islands in the West Indies, it avowed principles that had long since been adopted by Russia, as the bases of her political system; and that, in anticipating perfect impartiality and true disinterestedness from her intervention, it was not deceived as to the sentiments of the Emperor, in relation to all arrangements in which foreign Powers might be pleased to claim or admit his good offices.

His Imperial Majesty felicitates himself with having inspired this confidence in the United States of America, and the undersigned is charged to invite Mr. Middleton to convey to his government the as-

surance of the high value at which the Emperor estimates those sentiments, of which new evidence is furnished by its present propositions.

The opinions of his Imperial Majesty as to the question discussed by Mr. Clay in his despatch, cannot be concealed from the Cabinet of Washington. His Imperial Majesty has ever thought that justice, the law of nations, and the general interest in having the indisputable titles of sovereignty respected, could not allow the determinations of the mother country in this important case, to be prejudged or anticipated. On the other side, whenever Spain has wished to discuss the future condition of South America, she has addressed overtures to all the Allied Powers of Europe. It will not be possible, therefore, for his Imperial Majesty to change principles in this negotiation, nor to institute it separately (*isolément*); and until positive information has been received of the ulterior views of Spain, in regard to her American possessions, of her decision upon the proposition of the United States, and of the opinions of her Allies in relation to the same subject, Russia cannot give a definitive answer.

She is, however, in the mean while, pleased to hope, that the United States, becoming every day more convinced of the evils and dangers that would result to Cuba and Porto Rico from a change of government, being satisfied, as Mr. Clay has said, in his despatch, with the present commercial legislation of these two Islands, and deriving an additional motive of security from the honorable resolution of Spain not to grant to them any longer letters of marque, will use their influence, in defeating, as far as may be in their power, every enterprise against these Islands, in securing to the rights of his Catholic Majesty constant and proper respect, in maintaining the only state of things that can preserve a just balance of power in the sea of the Antilles, prevent shocking examples, and, as the Cabinet of Washington has remarked, secure to the general peace, salutary guarantees. The undersigned seizes with pleasure this occasion to repeat to Mr. Middleton, the assurances of his very distinguished consideration.

NESSELRODE.

St. Petersburg, August 20, 1825.

16.

No. 18.—*Extract of a letter from Mr. Joel R. Poinsett to Mr. Clay, dated*

MEXICO, September 13, 1825.

“I had this morning a second conference with the Plenipotentiaries of this Government, and as some difficulties have been presented that may retard the progress of the negotiation, I am anxious that you

should be made acquainted with them as early as possible, and lose no time, therefore, in laying them before you.

The project of the treaty was drawn up by me, and, of course, contains the principle of perfect reciprocity in the commerce and navigation of the two countries, according to the spirit of the act of 7th January, 1824. This was objected to, as might have been expected, and an effort made to introduce the fourth article of their treaty with Great Britain, which contains an exception, in my opinion, highly objectionable. It is at the close of that article, in these words, "excepting only the American nations which were formerly Spanish possessions, to which, on account of the fraternal relations that unite them to the United Mexican States, the latter may grant special privileges which shall not be extended to the dominions and subjects of His Britannic Majesty." It was agreed to reserve the point of perfect reciprocity in the commercial relations between the two countries, but I most strenuously opposed the exception above cited, and, as at present advised, will never sign a treaty on such terms.

The mail leaves the city in a few hours, so that I have not time to give you the arguments which were urged for and against it. My principal objections, are the impolicy of admitting any distinctions in the interests of the American States which would tend to unite these more closely, and place us in some contingencies without the pale. Treaties, in all probability, by this time, have been concluded between the United States and Buenos Ayres and Chili, on such terms as would render a provision of this nature nugatory in time of peace; but, in the event of a war between the United States and either of those Powers, an event which, however remote, ought to be provided against, such an exception would enable this country to assist very materially our enemies, without violating the treaty. With these impressions, and with this view of the subject, I will not agree to this provision; and as I know the Plenipotentiaries and the President of the Mexican States to be obstinately bent on carrying this point, I earnestly solicit that you will instruct me if you think I ought to yield it."

17.

Extract of a Letter, No. 22, from Mr. Poinsett to Mr. Clay, dated Mexico, 28th September, 1825.

"Anxious to conclude the pending negotiations, in time for the President to communicate the result in his message to the next Congress; I urged the President of these States, either to permit Alaman to continue them, or to appoint another Plenipotentiary. He preferred the latter alternative, and has given powers to Don Jose Gomez Pedráza, the Secretary of War, who now holds the port folio of the Minister of Foreign Relations, ad interim. The Secretary of the Treasury, being about to leave town for the coast, on business con-

nected with the capture of the castle of Ulloa, a desire was expressed to complete the negotiations before his departure. In consequence we have had two conferences, yesterday and to day, but the exception contained in the fourth article of the Treaty, between Great Britain and Mexico, to which I alluded in my communication No. 18, and to which the Mexican Plenipotentiaries pertinaciously adhere, has prevented our coming to any conclusion.

“They continue to urge the fraternal ties by which they are bound to the American nations, which formerly were Spanish possessions, and the treaties of alliance, offensive and defensive, which have been made between them. But what really prevents them from yielding the point, is their having succeeded in persuading the British negotiators to consent to insert this exception in their treaty. I will, however, give you a succinct account of what passed, at our several conferences on this subject.

“I first objected to the exception in favor of the American nations, formerly Spanish possessions, on the ground, that no distinctions ought to be made, between any of the members of the great American family; that Great Britain having consented to such a provision, ought not to influence the United States, because the Republics of America were united, by one and the same interest, and that it was the interest of the European Powers to cause such distinctions to be made as would divide it into small confederacies, and if possible, to prevent us from so uniting, as to present one front against the attempts of Europe upon our Republican Institutions. That it might therefore have been considered by the British Plenipotentiaries, important to lay the foundation of distinctions which must disunite us; but that it was much more manifestly our interest, that all the states of America should be united as intimately as possible, an union which could only exist on the basis of the most perfect equality and reciprocity.

“The Plenipotentiaries of Mexico observed, in reply, that Mexico was united by fraternal ties and strong sympathies, to the nations which had, like themselves shaken off the yoke of Spain; and that they had concluded with them an offensive and defensive alliance, which united them more intimately, and placed them on a different footing, from that on which they stood towards the United States. To which I rejoined, that the policy we had observed towards these countries, gave us a right to expect, that no such distinctions as those sought to be introduced into the treaty, should be made in our case, and entitled us to be considered on, at least, an equal footing with any of the American Republics. And further, that this exception could, now, avail them nothing, as our treaty with Colombia, and those probably by this time concluded with Buenos Ayres and Chili, contained no such provision. The Plenipotentiaries of Mexico hastily remarked, that a war might dissolve any one of those treaties, and in such an event, they thought Mexico ought to possess the power, to evince her sympathies in favor of either of the American nations, which had been formerly Spanish possessions, without violating her

neutrality. To this observation I replied, that I considered this argument conclusive, why the United States should not accede to the insertion of such a provision in the treaty—that I regarded a war between the United States and any of the other Republics of America, as a very remote and improbable event; but that I never would consent, by treaty, to place the former in a less favorable situation than their enemies, if, unfortunately, those Republics should ever become so. This was the substance of our discussion, at the first conference on this subject. It has been alluded to since, in conversation, in a manner that induced me to believe they were bent on carrying their point, and they must have perceived that I was equally decided not to yield it.

“Yesterday, after adjusting all other disputed points, inserting an article, similar to the 15th article of our Treaty with Spain, signed at San Lorenzo el Real, in 1795; and one on the arrest, detention, and delivery of fugitive slaves, this subject was again renewed. The President, they said, was so decided on the subject, that they feared there could be no Treaty without it. I replied, that I was perfectly aware what would be the view my government would take of this subject, and I could not agree to a provision which would cause the Treaty to be rejected at Washington: that such distinctions were entirely contrary to the course of policy we were desirous America should pursue, and that, by persisting in them, Mexico placed herself in opposition to the interests of all the other American Republics, and that uselessly, because whatever advantage she had promised herself from such an exception in favor of the former Spanish Colonies, it was now manifest that she could derive none, as the other American States had made their Treaties on a different basis. I remarked, too, that it appeared to me very singular, that they should persist in their desire to insert a provision in this Treaty which had already occasioned the non-ratification of the first Mexico had entered into; certainly exposed the second to be rejected by England, for the Plenipotentiaries of that Power had consented to it, only because the Treaty with Colombia had been made and ratified here; and which would insure the rejection of this Treaty at Washington, if I were to consent to it.

“The Plenipotentiaries replied, that all the Spanish American Republics had not made their Treaties, and instanced Peru and Guatemala. They readily admitted that Peru would, in all probability, follow the example of Colombia; and I then observed, that after what had so lately passed between Mexico and Guatemala, by which it was evident that the latter had more to fear than to hope from the former, she would scarcely adopt a line of policy, which would place her in closer union with Mexico, and separate her from the other states of America. As it was late before this subject was touched upon, little more passed yesterday.

“This morning, early, I received a visit from Don Ramos Arispe, a priest and an intimate of mine, who brought me a proposal from the Plenipotentiaries, to annex a condition, that the exception should ex-

tend only to those Spanish American nations who would treat with Mexico on the same terms. I told him, that I must persist in my objection, and would not admit the principle at all: that I believed the exception Mexico insisted upon making, would avail her nothing, for no other American nation would agree to it; but that any distinctions at all, among the nations of America, were, in my opinion, destructive of the best interests of this hemisphere. As I knew that he is appointed one of the Plenipotentiaries of this Government to the Congress of Panama, I hinted to him that the course of policy Mexico appeared determined to pursue, would leave her at that Congress entirely alone: for it was to be expected that those American Republics, who stood towards each other on the same footing, and whose interests were identical, would be united more closely among themselves than with a third, which had thought proper to pursue a separate line of policy, and to unite herself more closely with a European Power than with them, notwithstanding they had obviously all the same interests. After some further discussion, in which I went over the whole course of policy pursued by the United States towards these countries—and recapitulated the reasons which induced me to believe that the great interests of America required us all to be intimately united, he either was or pretended to be convinced, and promised to use his influence to induce the President and the Plenipotentiaries to yield this point.

“We met at noon, and the Plenipotentiaries of this Government commenced the conference, by saying, that as I had not agreed to the modification proposed to me through Arispe, they had now one to submit to me, which, they presumed, I could not refuse, as I had the day before expressed an opinion that their treaty with Great Britain would be rejected in London, on the ground of this exception. They then proposed to insert the following words—“with respect to the exception contained in the — article, which speaks of the Republics which formerly were Spanish possessions, it shall be understood in the same terms which finally shall be agreed upon, in relation to this subject, between Mexico and England.”

“To this proposal I instantly replied, that I would prefer agreeing to the article as it stood rather than consent to be governed by the decision of Great Britain; that our interests were separate and distinct: that nation formed one of the European Powers, and the United States were the head of the American Powers; and that in treaties which were intended to strengthen the interests of the latter, no allusion ought to be made to those made with the former: Great Britain had concluded a treaty with these states in order to secure a profitable commerce with the Americans, but her interests were European, whereas ours were strictly American. With respect to the opinion I had advanced, that their treaty with England would not be ratified in London, I had been induced to suppose so from the fact, that one of the Plenipotentiaries of that Government had assured me the exception in question never would have been agreed to by them if they had not been shown the treaty with Colombia, which

contained this principle of exclusive alliance among the Spanish American States. It had been ratified here, and they supposed it would be ratified in Colombia, and therefore consented to what they considered irremediable, satisfied that we were excluded as well as themselves. If, therefore, this state of things constituted their only motive for agreeing to it, and they had so declared to their Government, I had a right to suppose, as the principle was not sanctioned by Colombia, that the treaty, with that condition, would not be ratified in London; and I knew that the Chargé d'Affaires of H. B. M. had sent in a note to explain the only reasons why the British Plenipotentiaries had agreed to that provision in the treaty, and to declare that, as the treaty between Mexico and Colombia had not been ratified by the latter, those reasons no longer existed, and the exception ought to be expunged. If the Cabinet of London took the same view of it, the alteration would be insisted upon; but, on the contrary, if it should appear to them more important in a political than in a commercial view, they might not object as an European Power to the establishment of such distinctions as those proposed, because these must necessarily separate the interests of the American Republics, and that nothing but the policy Great Britain might be disposed to adopt towards America, as one of the European Powers, could induce them to make so unnecessary a sacrifice of their commercial interests.

“The Plenipotentiaries of this Government then asked what would be their situation if their treaty with Great Britain should arrive ratified, after they had signed one with us without inserting this exception. Aware that this was the real difficulty, as well as the source of this obstinacy on their part, I replied, that, in my opinion, as the Plenipotentiaries of Great Britain had been induced to consent to this exception from the mistaken belief that the treaty with Colombia, in which the principle was established, would be ratified by both parties, and that, therefore, they must admit it, however objectionable, or make no treaty at all with Mexico; and as these motives had fallen to the ground with the rejection of the treaty by Colombia, it would be not only decorous but honorable in the Mexican Government to agree, at once, to expunge that exceptionable provision of their treaty with Great Britain. One of the Plenipotentiaries who had assisted at the conferences with those of Great Britain, protested that the motive alleged by the British Plenipotentiaries had not been the only one. I could only repeat, that one of the British Plenipotentiaries had assured me it was entered on the protocol of the conferences, that the previous treaty of Mexico with Colombia was the only motive which induced them to accede to this exception in favor of the Spanish American States.

“They continued to insist that they were bound by fraternal ties to the Spanish American States, and that it was natural they should unite themselves more intimately with States in their infancy, whose interests were identified with theirs from the peculiar circumstances in which they mutually stood towards Spain, than with a nation

already in adolescence, and which had to pursue a different policy towards Spain on account of the relations they had with the other Powers of Europe. To these observations I replied, that against the power of Spain they had given sufficient proof that they required no assistance, and the United States had pledged themselves not to permit any other Power to interfere either with their independence or form of government; and that, as in the event of such an attempt being made by the Powers of Europe, we would be compelled to take the most active and efficient part and to bear the brunt of the contest, it was not just that we should be placed on a less favorable footing than the other Republics of America, whose existence we were ready to support at such hazards. They interrupted me by stating that we had no right to insist upon being placed on the same footing with the Spanish American States, unless we were willing to take part with them in their contest with Spain. I told them that such an act would be in the highest degree impolitic towards all parties: it was true, that the power of the United States was sufficient not only at once to put an end to this contest, but, if the nations of Europe did not interfere, to crush and annihilate that of Spain. This measure, however, which they now proposed, would infallibly produce what it was so much our interest to avoid, the alliance of the great Powers of Europe against the liberties of America. I then recapitulated the course of policy pursued towards the Spanish Colonies by our Government, which had so largely contributed to secure their independence and to enable them to take their station among the nations of the earth; and declared what further we were ready to do in order to defend their rights and liberties; but that this could only be expected from us, and could only be accomplished, by a strict union of all the American Republics, on terms of perfect equality and reciprocity; and repeated, that it was the obvious policy of Europe to divide us into small confederacies, with separate and distinct interests, and as manifestly ours to form a single great confederacy, which might oppose one united front to the attacks of our enemies.

“As this conference had already lasted some hours, for Spanish eloquence is diffuse, and as I understood their motives for insisting on this provision in the treaty, I broke it up, with a positive declaration, that, putting out of view my duty as representative of the United States, I regarded the proposed exception, in favor of the nations which were formerly Spanish possessions, so contrary to the best interests of the Americans, that I never would agree to its insertion in a treaty between the United States and any of the American Republics.”

18.

Mr. Clay to Mr. Poinsett.

DEPARTMENT OF STATE,

Washington, 9th Nov. 1825.

SIR: Since the date of my letter of the 26th of September last, your despatches to No. 21, have been received. That of the 13th September, 1825, was received yesterday. They have all been laid before the President, and I shall now make the remarks which appear to be called for by the last, being the only one which seems to require particular notice. In that you state that, in the course of your conferences with the Plenipotentiaries of the United Mexican States, on the subject of the proposed commercial convention, a point of difficulty has arisen, which has been agreed to be reserved. The point is an exception in favor of the American nations which were formerly Spanish possessions, to which, on account of the fraternal relations that unite them to the United Mexican States, the latter may grant special privileges which shall not be extended to the dominions and citizens of the United States. The President approves of your refusal to accede to that exception.

The United States have neither desired, nor sought, to obtain, for themselves, in their commercial relations with the new States, any privileges which were not common to other nations. They have proposed, and only wished, to establish, as the basis of all their commercial treaties, those of equality and reciprocity. They can consent to no other. Ready, themselves, to extend to the United Mexican States any favors which they have granted to other nations, the United States feel themselves authorized to demand, in this respect, a perfect reciprocity. They could not agree to treat on the principle of a concession to any European Power, of commercial privileges which were denied to them. They would feel even more repugnance to the adoption of such a principle, in respect to any American nations, because, by placing the United States, in some degree, out of the pale of that American system, of which they form no unessential part, it would naturally wound the sensibility of the people of the United States. As you had not time, at the date of your despatch, to communicate the reasons which were urged in support of this extraordinary exception, they can only be collected from the tenor of the clause inserted in the British treaty, which you have cited. That clause asserts, as the motives for the exception—1st, That the new states, in whose favor it is to be applied, were formerly Spanish possessions; and 2d, That certain fraternal relations unite them to the Mexican States. The validity of neither of these reasons can be perceived. What is there in the nature of the fact that those nations were once bound, by a common allegiance, to Spain, to justify the exception? Can any rule be fairly deduced from a colonial condition, which should govern independent nations, no longer bound by any common tie? Is there not something derogatory

tory from the character of free states, and free men, in seeking to find a rule for their commercial intercourse in their emancipated condition, from a retrospect of their colonial state, which was one of dependence and vassalage? What is to be the limit of this principle? If the accident of a colonial connexion, under a common sovereign, is to justify a peculiar rule for the emancipated colonies, may not that common sovereign also insist, on the ground of ancient relations, upon special privileges? And then it would be incumbent upon the United States to consider if they had not been premature in their recognition of the independence of the United Mexican States. But if the fact of the Spanish dominion having once stretched over the new states, is to create an exception of commercial privileges in their behalf, the United States, upon a similar ground, have a right to demand the benefit of it. For the same Spanish dominion, once, and at no very distant day, extended over the larger part of their territories, and all that part which is conterminous with those of the United Mexican States.

With respect to the second reason deducible from the clause in the British treaty, there is no statement of the nature of those fraternal relations which are supposed to warrant the exception. Certainly as between the United Mexican States, and the other new nations carved out of the former Spanish colonies, none are known to the world which can sanction the exception. The United Mexican States have, it is true, been waging war with Spain, contemporaneously with the other states; but hitherto there has been no co-operation of arms between them. The United Mexican States have, alone, sustained their contest. If the idea of those fraternal relations is to be sought for in the sympathy between the American belligerents, this sympathy has been equally felt, and constantly expressed throughout the whole struggle, by the United States. They have not, indeed, taken up arms in support of the independence of the new states; but the neutrality which they have maintained, has enabled them, more efficaciously, to serve the cause of independence, than they could have done by taking part in the war. Had they become a belligerent, they would, probably, have drawn into the war, on the other side, parties whose force would have neutralized, if it had not overbalanced their exertions. By maintaining neutral ground, they have entitled themselves to speak out, with effect, and they have constantly so spoken, to the Powers of Europe. They disconcerted the designs of the European alliance, upon the new states, by the uncalculating declarations which they made, in the face of the world. They were the first to hasten to acknowledge the independence of the United Mexican States, and, by their example, drew after them Great Britain.

It has, no doubt, not escaped your observation, that, in the case of the treaty which has been concluded between the United States and the republic of Colombia (and of which, a printed, authentic copy, as it has been ratified by the two governments, is herewith transmitted) no such exception was set up by that republic. On the contrary, it is expressly stipulated in the second article, that the parties "engage

mutually, not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not, immediately, become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional."

There is a striking inconsistency in the line of policy which the United Mexican States would seem disposed to pursue towards the United States. They would regard these states as an American nation or not, accordingly as it shall suit their own purposes. In respect to commerce, they would look upon us as an European nation, to be excluded from the enjoyment of privileges conceded to other American nations. But when an attack is imagined to be menaced by Europe, upon the independence of the United Mexican States, then an appeal is made to those fraternal sympathies which are justly supposed to belong to our condition as a member of the American family. No longer than about three months ago, when an invasion by France, of the Island of Cuba, was believed at Mexico, the United Mexican government promptly called upon the government of the United States, through you, to fulfil the memorable pledge of the President of the United States in his message to Congress, of December, 1823. What they would have done, had the contingency happened, may be inferred from a despatch to the American minister at Paris, a copy of which is herewith sent, which you are authorized to read to the Plenipotentiaries of the United Mexican States. Again: the United Mexican government has invited that of the United States to be represented at the Congress of Panama, and the President has determined to accept the invitation. Such an invitation has been given to no European Power, and it ought not to have been given to this, if it is not to be considered as one of the American nations.

The President indulges the confident expectation that, upon reconsideration, the Mexican government will withdraw the exception. But if it should continue to insist upon it, you will, upon that ground, abstain from concluding any treaty, and put an end to the negotiation. It is deemed better to have no treaty, and abide by the respective commercial laws of the two countries, than to subscribe to a principle wholly inadmissible, and which, being assented to in the case of Mexico, might form a precedent to be extended to others of the new States.

I am, your obedient servant,

H. CLAY.

JOEL R. POINSETT, *Envoy Extraordinary and Minister
Plenipotentiary U. S. Mexico.*

19.

Mr. Clay to Mr. Brown.

DEPARTMENT OF STATE,

Washington, October 25, 1825.

SIR: During the last summer, a large French fleet visited the American seas, and the coast of the United States. Its object naturally gave rise to much speculation. Neither here, nor through you, at Paris, was the Government of the United States made acquainted with the views of that of France, in sending out so considerable an armament. The President conceives it due to the friendly relations which happily subsist between the two nations, and to the frankness by which he wishes all their intercourse to be characterized, that the purpose of any similar movement, hereafter, made in a season of peace, should be communicated to this Government. You will, therefore, inform the French Government of his expectation that such a communication will, in future, be, accordingly, made. The reasonableness of it, in a time of peace, of which France shall enjoy the blessings, must be quite apparent. The United States having, at the present period, constantly to maintain, in the Gulf of Mexico, and on the coasts of Cuba and Porto Rico, a naval force on a service beneficial to all commercial nations, it would appear to be quite reasonable, that, if the commanders of any American squadron, charged with the duty of suppressing piracy, should meet with those of a French squadron, the respective objects of both should be known to each. Another consideration to which you will advert, in a friendly manner, is the present condition of the Islands of Cuba and Porto Rico. The views of the Executive of the United States, in regard to them, have been already disclosed to France, by you, on the occasion of inviting its co-operation to bring about peace between Spain and her former colonies, in a spirit of great frankness. It was stated to the French Government that the United States could not see, with indifference, those Islands passing from Spain to any other European Power; and that, for ourselves, no change was desired in their present political and commercial condition, nor in the possession which Spain has of them. In the same spirit, and with the hope of guarding, beforehand, against any possible difficulties on that subject, that may arise, you will now add, that we could not consent to the occupation of those islands by any other European Power than Spain, under any contingency whatever. Cherishing no designs on them ourselves, we have a fair claim to an unreserved knowledge of the views of other great maritime Powers, in respect to them. If any sensibility should be manifested to what the French Minister may choose to regard as suspicions entertained here, of a disposition on the part of France to indulge a passion of aggrandisement, you may disavow any such suspicions, and say that the President cannot suppose a state of things, in which either of the great maritime Powers of Europe, with or without the consent of Spain, would feel itself justified to occupy, or attempt the occupation, of Cuba or Porto Rico, without the con-

currence, or, at least, the knowledge of the United States. You may add, if the tenor of your communications with the French Minister should seem to make it necessary, that, in the course of the past summer, rumors reached this country, not merely of its being the design of the French fleet to take possession of the Island of Cuba, but that it had, in fact, taken possession of that island. If the confidence in the Government of France, entertained by that of the United States, could not allow it to credit these rumors. it must be admitted, that they derived some countenance from the weakness of Spain, the intimate connection between that monarchy and France, and the general ignorance that prevailed, as to the ultimate destination and object of a fleet greatly disproportionate, in the extent of its armament, to any of the ordinary purposes of a peaceful commerce.

You are at liberty to communicate the subject of this note to the French Government, in conference or in writing, as you may think most proper; but, in either case, it is the President's wish that it should be done in the most conciliatory and friendly manner.

I am, with great respect, sir,

Your obedient servant,

H. CLAY.

JAMES BROWN, *Envoy Extraordinary*
and *Minister Plenipotentiary U. S. to France.*

20.

*Extract of a Letter, No. 15, from Mr. Everett, Minister to Spain,
to the Secretary of State, dated*

MADRID, November 21, 1825.

“After conversing with the Duke, (del Infantado,) as much as was necessary upon the direct relations between the two countries, the opportunity being favorable for a longer interview, I availed myself of it to introduce the subject of the Colonies, upon which I had not before said any thing to him. I told him, that it was a part of my instructions to intimate to His Majesty's Government, in the most delicate manner possible, the full conviction of that of the United States, that the question of the Independence of the Colonies, was, in point of fact, settled; and their strong desire, that the war might as soon as possible be brought to a close. I inquired of him, whether there was at present any disposition in His Majesty's Cabinet towards a change of policy upon this subject. He replied in the negative, but did not express himself to this effect with the same fulness and decision, that I had observed in Mr. Zea's communications. I presume, however, that this difference, which was certainly very perceptible and obvious, is rather owing to the difference in the characters of the men, and their habit of expressing themselves, than to any actual intention in the Cabinet to yield. At least, I do not

learn from any other quarter, that such an intention is supposed to exist. The Duke said, that the matter was a delicate one; that he could easily imagine, how inconvenient and injurious it must be to the United States to have this struggle constantly going on at their doors; and that he was not surprised or dissatisfied, that they should exert their influence in endeavoring to procure the termination of it in the way which they thought just; but, that the King could not yet resolve to abandon his rights, or give up the hope, that these countries would in one way or another be ultimately brought back to their allegiance. I then suggested to him particularly the opinion entertained by the Government of the United States, that the loss of the Island of Cuba and Porto Rico, would be the inevitable effect of the continuance of the struggle for two or three years longer; but that Spain, by making peace at once, might very probably retain them. When I made this remark to Mr. Zea, he answered, that the King did not consider these Islands as in danger in any event, and that His Majesty confidently trusted, that he should not only retain them, but reconquer very shortly all the other American Provinces. The Duke's answer was quite different. He inquired of me in reply upon what evidence the American Government founded the opinion, that Spain would be able to retain these Islands, in case of her recognizing the independence of the other Colonies. This question seemed to suppose the persuasion, that the Islands must at all events be lost, unless the King should recover the whole of his American possessions. I replied, that the principal circumstance in favor of this opinion was the fact, that no symptoms of a disposition to separate from the mother country, had yet appeared in the Islands; and that as their situation, in consequence of the opening of the ports, was extremely flourishing, there was room to suppose, that they were contented with it. He acquiesced in this remark, and expressed his deep regret, that a similar system of allowing a full freedom of trade, had not been adopted in season, in regard to the other Colonies. This was the substance of our conversation. The general impression I received from it was, that there is at present no direct intention in the Cabinet to change their policy; but, that there is at least as much probability of a recognition now, as before the late ministerial revolution. I mentioned to the Duke, that Mr. Zea had expressed a wish, that I would give him in writing what I had to say by order of my Government upon this subject, and inquired of him, whether this would also be agreeable to him. He said, that he had no objection whatever to receive such a communication; and I shall accordingly at my leisure prepare and transmit one."

21.

*Extract of a letter from Mr. Everett to Mr. Clay, No. 17, dated at
MADRID, December 12, 1825.*

“I received, two or three days ago, from Mr. King, a copy of the instructions to Mr. Middleton, on the affair of Spanish America. It came very opportunely, while I was engaged in preparing the note which I intend to address to this Government upon the same subject. This communication, as it requires to be drawn up with care and caution, does not admit of being hastened, and will not probably be ready before the first of January. I learn, with much pleasure, through the medium of Mr. Brown, that the overture made by Mr. Middleton at St. Petersburg, has been well received, and is likely to produce a favorable effect. I shall take an early opportunity of conversing anew with Mr. D'Oubril, upon the subject, and of ascertaining what are his present instructions.”

22.

No. 18. Mr. Everett to the Secretary of State.

SIR: I have the honor to transmit, herewith, a translation of a decree which has just been published, for establishing a Council of State. A Council has already existed, I believe, ever since the King's return, bearing the same name, composed of nearly the same persons, and charged with, substantially, the same duties as this, but the King has not been in the habit of calling them together. The only thing, therefore, really new in the decree, is, the part which declares that the Council shall meet every day, and remain in session three hours. How far this regulation is likely to be observed, is, of course, a matter of mere conjecture. It is rather singular that no allusion is made to an existing Council, and that the decree purports to be for the establishment of an entirely new one. The measure is considered here as pretty important, but I do not see that it is likely to introduce any very great changes either in the principles or proceedings of the Government. The latent object of the institution is, probably, to get rid of the Ministerial Council established by Mr. Zea; no allusion is, however, made to the latter, in the decree which thus supercedes two of these high State Corporations, without naming either. Some of the most considerable members of Mr. Zea's Council are transferred to the new one, including the President, Gen. Castanos, a person much respected by all parties, and of known liberal sentiments. He told me, yesterday, that this was the fifth Council to which he had been called, as they were successively instituted. He does not appear to anticipate any very important consequences from the innovation.

There are some things, however, in the decree, and in the composition of the Council, which may be construed into indications that the measure has been taken with a view to a more careful consideration of the great question of America. Among the members named who, exclusively of the Ministers, amount to only fourteen or fifteen, are the Archbishop of Mexico, the Viceroy of Mexico, Venegas, and Apodaca, under new names, the Duke de San Carlos, an American, and Father Cyril, who has been in America. The last is considered the ablest man in the Council. It is worthy of remark, that none of these, except San Carlos, were of the old Council of State. General Castanos is friendly to the recognition of the Independence of America. Provision seems to have been made in this way for bringing into the meeting a great deal of positive information upon American affairs. The decree also mentions that this question is one to which the attention of the Council is to be particularly called; and speaks of it in terms which will bear a favorable interpretation, although they do not necessarily require it. Among other things deserving consideration, are enumerated "the weighty affairs of the colonies in America, which are endeavoring to separate from the mother country, by a necessary effect of the dangers to which the Crown has been exposed." To acknowledge the necessity of the separation on any account, seems to be a large step towards the acknowledgment of the new States, and to call the effort to separate a necessary effect of the late political crisis is, perhaps, to give the best possible justification of it. The passage may, however, be interpreted in a different sense; and there is, at present, no other evidence of any recent change on this subject, in the disposition of the Government. The French newspapers abound, as usual, with accounts of constant efforts made here by the foreign Powers, especially the British Minister, in favor of the Colonies; but these accounts are also, as usual, without the slightest foundation. Mr. Lamb and myself converse, habitually, on this subject, with perfect freedom, and I am certain that he has said and done almost nothing for the Americans since I have been here; the others never interfere with this subject, excepting, perhaps, the French Ambassador, who has recently arrived, and with whose proceedings I am not so well acquainted.

I lately read to the Duke del Infantado a part of a letter I had received from New York, which spoke with great confidence of the probability of an early and successful attack upon the Island of Cuba, by the Mexicans and Colombians. The intelligence evidently made an impression upon him. He asked me, among other things, as he has done before, what security there would be for the possession of Cuba, in the event of recognizing the Colonies. I replied, by stating the general reasons why they should not wish to separate. It has since occurred to me that the Duke, by his repeated questions to this effect, intended to intimate a desire that a guarantee for the fidelity of Cuba, should be offered by the United States, or by the Spanish American Powers. This was proposed directly by Mr. Zea to Mr. Nelson and to me, as a consideration for admitting our Consul at the Havana.

Since I wrote to you last, I have been principally engaged in preparing my note upon the affairs of the colonies. It is, now, nearly ready, and I shall, probably, send you a copy with my next despatches. The other affairs remain in the same state. The intelligence of the death of the Emperor of Russia arrived here about ten days ago, and was soon followed by that of the quiet succession of his brother Constantine. It does not appear that the change will produce any immediate effect upon the state of political affairs. The money market is exceedingly depressed in France and England, and the distress among the merchants is greater than was, almost, ever known before; but the crisis appears to have arisen, in part, from pure panic, and will, in all probability, pass off very soon, leaving the value of public stocks somewhat lower, perhaps, than it stood before. The French Parliament is summoned for the 31st of this month.

I have the honor to transmit, herewith, copies of the notes which I have addressed to the minister since my last despatches, and of some official articles of general interest, and remain with high respect, sir, your most obedient humble servant.

A. H. EVERETT.

Madrid, January 1, 1826.

P. S. Upon looking again at the decree upon the council of state which was out of my hands when I was writing the above, I find that the council is not described as a new institution, in such distinct terms as I had supposed and stated. The impression I had upon the subject was partly derived from conversation. The existence of the council had been pretty generally forgotten, and this revival of it has been commonly mentioned as the establishment of an entirely new one: in effect it is, as the King never called the members together under the former system.

HON. HENRY CLAY,
Secretary of State.

23.

Mr. Brown to Mr. Clay.

Paris, 10th January, 1826.

SIR: In order to comply with the instructions contained in your despatch No. 3, I obtained an interview with His Excellency, the Baron de Damas on the 2d instant. I reminded him that in the month of July last, I had, in a spirit of frankness, disclosed to him the views of the President of the United States, in relation to the Islands of Cuba and Porto Rico, and that I had then stated to him that the United States could not see with indifference, those islands passing from Spain to any other European Government; and that for the United States, no change was desired in their political or commercial condition, nor in the possession which Spain has of them. I informed him that I was now instructed to add, in the same frank and friendly spirit, and in order to guard against all possible difficulties that might

arise on the subject, that we could not consent to the occupation of those Islands by any other European Power than Spain, under any contingency whatever. Disclaiming, as we now did, all designs on them ourselves, we believed we might justly claim an unreserved communication of the views of other great maritime states in relation to them. I observed that the President could not suppose a state of things in which it would be right or proper that possessions so important should be occupied by either England or France, without the concurrence, or at least knowledge, of the United States.

The Baron de Damas appeared to concur entirely in the view which I took of the subject, and inquired whether it had been mentioned to the British Government. I told him that a similar communication had been made to Mr. Canning, and I had sufficient reason to think that the British Government concurred with the President in the policy of not disturbing the possession of those Islands in favor of either of the great maritime nations.

I then, in the most delicate and friendly manner, alluded to the French squadron which had appeared in the West Indies, and on the American coast last summer, and stated that my government would expect that in case France should again send out a naval force disproportionate in the extent of its armament to the ordinary purpose of a peace establishment, its design and object should be communicated to the government of the United States. The Baron de Damas answered that the vessels composing that squadron had been stationed at different places, where the number on each station was not more than sufficient for the service of protecting French commerce and their West India Islands; that it had become necessary definitively to settle the relations between France and St. Domingo; that this squadron was hastily collected for that object, and that the nature of the service required secrecy. He said that it was not only right in itself, but had been customary with the French Government to communicate to friendly Governments, in time of peace, the objects of considerable fleets sent on distant service; that the peculiar circumstances in the instance I alluded to, had occasioned a departure from the rule, but that, in future, the United States should be duly apprised of the objects of every such squadron, sent into their vicinity. The Baron de Damas closed the conference by saying that he would communicate what had passed, to the King, to whom, he was sure, it would give great satisfaction.

On the same day, I addressed a short note to the Baron de Damas, of which I enclose a copy; and, meeting him in the evening, I told him, in an informal manner, that I had written it with the design of avoiding any mistake in my communication to the President, of what had passed at the conference. He said he was well satisfied that no mistake existed on either side, and that he had communicated our conversation to the king.

I have the honor to be,

With great respect, sir,

Your most obedient servant,

JAMES BROWN.

(a)

Mr. Brown to the Baron de Damas.

PARIS, 2d January, 1826.

SIR: In the month of July last, I had the honor to state to your Excellency, with the utmost frankness, the views of the President of the United States, in relation to the Spanish Islands of Cuba and Porto Rico. I informed you that the United States could not see with indifference those Islands passing from Spain to any other European Power; and that the United States desired no change in their political or commercial condition, nor in the possession which Spain had of them. In the conference with which your Excellency honored me on this day, I repeated the same assurances, and added, in a spirit of friendship, and with a view of guarding beforehand against any possible difficulties on the subject which might arise, that my Government could not consent to the occupation of those Islands by any other European Power than Spain, under any contingency whatever.

Having understood your Excellency to say that the policy and views of the United States, as disclosed by me, corresponded with those of His Majesty's Government, I shall not fail to communicate the information to the President, who will feel happy in finding the two nations agreeing on a point of so much importance to the tranquillity of that portion of the globe.

I request your Excellency to accept. &c.

JAMES BROWN.

His Excellency BARON DE DAMAS,

Minister of Foreign Affairs, &c. &c.

